

EXHIBIT 2

Image



Photo Id: 1483606207398605153

Id 1483606207398605153

Taken 2017-04-01 20:47:43 UTC

Status 4 - Deleted by inactivation

Url https://www.instagram.com/p/BSW0_wyvjvFh

Source iOS Library

Filter 0 - Normal

Upload Ip 2602:306:bc5a:8170:5c7c:a431:a4c9:5c68

Is Published true

Shared By false

Author

Comments

User rise_above_movement (4931962208) [RISE ABOVE MOVEMENT]

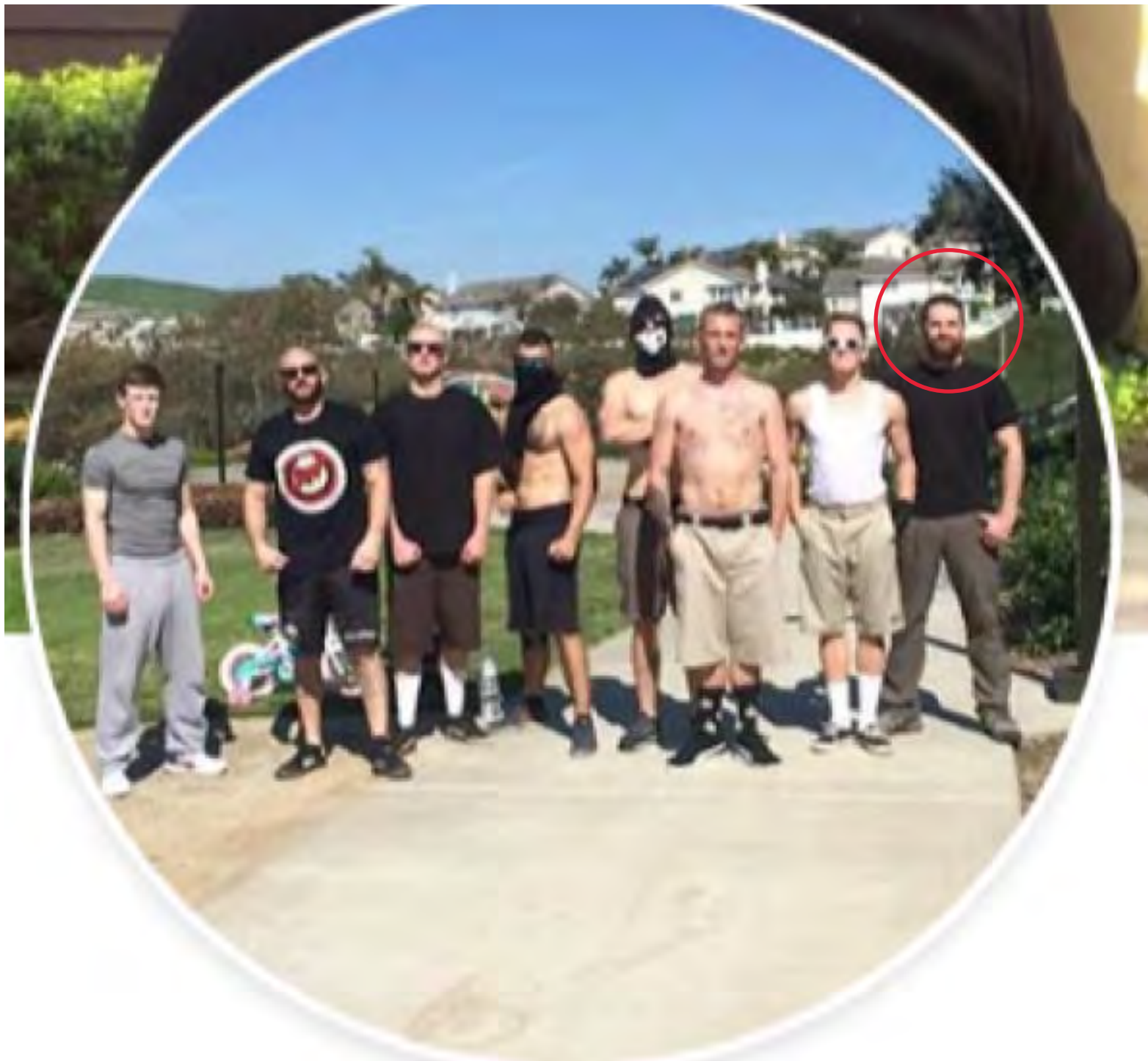




EXHIBIT 5

Verizon 9:24 PM

dailystormer.com



Featured Stories



Trumpenkriegers Physically
Remove Antifa Homos in
Huntington Beach



Photo Id:

237378966730132

Id 237378966730132
Title We did it fam
Link <https://www.facebook.com/photo.php?fbid=237378966730132&set=a.151871501947546&type=3>
Upload Ip 2606:6000:e809:b900:58d1:9392:fffe:a5d2
Album Name Mobile Uploads
Uploaded 2017-03-26 04:30:08 UTC
Camera Make
Camera Model
Orientation 1
Original Width 0
Original Height 0
Exposure
Fstop
Iso Speed 0
Focal Length
Tags
Comments
User Aaron Aeson ([REDACTED])
Text TRUMPENKRIEGERS!!!!!!
Time 2017-03-26 07:47:17 UTC

EXHIBIT 6



RAM @RiseAboveMovement
3 months

...

The day we got our start. Not many altrighters can say they Not only stood and fought antifa but actually chased them out of rallies and keep fellow patriots safe. [#warriorspirit](#) [#nationalist](#) [#morethanmemes](#)



28



Reply



Comments



Repost 7



Quote

EXHIBIT 7



Aaron Aeson

@AesonAaron

Joined April 2017

[Tweet to Aaron Aeson](#)

Tweets 6 Following 5 Likes 6


[Follow](#)

Tweets Tweets & replies

- **Aaron Aeson** @AesonAaron · 3 Apr 2017
Replying to @██████████
Exactly. They usually aren't even brave enough to hit them. They sneak around and mace them at rallies, then go hide behind antifa girls.
   
- **Aaron Aeson** @AesonAaron · 3 Apr 2017
Replying to @██████████
The boys who chased antifa off the beach there in Huntington are coming up. They'd love a shout out.
   
- **Aaron Aeson** @AesonAaron · 3 Apr 2017
Replying to @██████████
The boys who chased Antifa off the beach in Huntington are coming up. Can they get a shout out Brittany?
   
- **Aaron Aeson** @AesonAaron · 3 Apr 2017
Replying to @██████████
Defending the Free Speech Rally.
   
- **Aaron Aeson** @AesonAaron · 3 Apr 2017
Replying to @██████████
The boys from the recent Huntington Beach rally who kicked antifa off the beach, are going to Berkely 4/15. Can you put some heart in them?
   
- **Aaron Aeson** @AesonAaron · 3 Apr 2017
Replying to @██████████
Trumpkriegers from the Huntington March4Trump rally need a shout out before the April 15, 1stAmend. Rally in Berkeley. Soden would do it!
   

Who to follow · Refresh · View all

- **President Trump** ✓ @POT...
[Follow](#)
- **The New York Times** ✓ @...
[Follow](#)
- **Hillary Clinton** ✓ @Hillary...
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 **Find people you know**
Import your contacts from Gmail

[Connect other address books](#)

Trends for you · Change

- Malibu**
City of Malibu under evacuation order due to Woolsey Fire
- #WoolseyFire**
City of Malibu under evacuation order due to Woolsey Fire
- Griffith Park**
7,424 Tweets
- #FridayFeeling**
154K Tweets
- #BlizzCon2018**
- Texas**
219K Tweets
- #CaliforniaFires**
2,271 Tweets
- #FlashbackFriday**
14.5K Tweets
- Beto**
208K Tweets
- #VeteransDay2018**
6,895 Tweets

EXHIBIT 8



EXHIBIT 9









EXHIBIT 13



EXHIBIT 14



Photo Id: 1494032612921949525
Id 1494032612921949525
Taken 2017-04-16 06:03:08 UTC

Status

4 - Deleted by inactivation

Url https://www.instagram.com/p/BS73r7oD71V**Source** iOS Share Extension**Filter** 0 - Normal**Upload Ip** 2600:1010:b05c:198e:c52a:3014:995b:7a69**Is Published** true**Shared By** false**Author****Comments****User** rise_above_movement (4931962208) [RISE ABOVE MOVEMENT]**Id** 17853674746174353**Date Created** 2017-04-16 06:03:08 UTC**Text** #berekly #antiantfa**User** [REDACTED]**Id** 17866034332127201**Date Created** 2017-04-16 23:52:15 UTC**Status** 0**Text** Total right wing victory**User** rise_above_movement (4931962208) [RISE ABOVE MOVEMENT]**Id** 17866534528096192**Date Created** 2017-04-16 08:50:35 UTC**Status** 0**Text** [REDACTED] ha[REDACTED]**User** [REDACTED]**Id** 17866414489111969**Date Created** 2017-04-16 08:45:20 UTC**Status** 0**Text** @diydivision I expect at least 20 shill scalps**User** rise_above_movement (4931962208) [RISE ABOVE MOVEMENT]**Id** 17866714288098459**Date Created** 2017-04-16 08:38:38 UTC**Status** 0**Text** [REDACTED] to good to even talk about on here**User** [REDACTED]**Id** 17877406573025957**Date Created** 2017-04-16 08:17:05 UTC**Status** 0**Text** How'd you goys do?**Image**

EXHIBIT 15



Photo Id: 1496822734490881350

Id 1496822734490881350

Taken 2017-04-20 02:26:36 UTC

Status 4 - Deleted by inactivation

Url <https://www.instagram.com/p/BTFyFi1Ds1G>

Source iOS Library

Filter 0 - Normal

Upload Ip 2600:8802:4000:5400:3c58:a36f:f1fb:a419

Is Published true

Shared By false

Author

Comments

User rise_above_movement (4931962208) [RISE ABOVE MOVEMENT]

Id 17854792522157912

Date Created 2017-04-20 02:26:37 UTC

Text #berkeley #antiantifa #anticommunist #altright #DIYDIV

User

Id

Date Created 2017-04-20 09:42:17 UTC

Status 0

Text Proud Goys

EXHIBIT 16

Author**Sent** 2017-04-19 00:35:48 UTC**Body** Vermont. I'll be headed to Cali for a bit this July. I didnt know you were in the Red Elephants. I love the RE. Awesome. I am always commenting on there.**Author** Rob Bie ([REDACTED])**Sent** 2017-04-19 00:33:49 UTC**Body** Alright brother. Sure thing
You stay in so cal ?**Author****Sent** 2017-04-18 23:57:44 UTC**Body** Love you guys. Keep at it. If you need anything, give out a yell. please.**Author** Rob Bie ([REDACTED])**Sent** 2017-04-18 23:57:21 UTC**Body** Hail victory bro**Author** Rob Bie ([REDACTED])**Sent** 2017-04-18 23:57:14 UTC**Body** Thanks for the acknowledgement, brother.
We all just have to do our part**Author** Rob Bie ([REDACTED])**Sent** 2017-04-18 23:56:37 UTC**Body** You accepted Vance's request.**Author****Sent** 2017-04-18 23:06:18 UTC**Body** You guys are heroes. Thank you.**Thread** ([REDACTED])**Current** 2018-09-13 19:03:28 UTC**Participants**

Brittney Dillinger ([REDACTED])

Aaron Aeson ([REDACTED])

Rob Bie ([REDACTED])

Ben Daley ([REDACTED])

Author Rob Bie ([REDACTED])**Sent** 2017-04-30 03:03:47 UTC**Body** You sent an attachment.**Share** **Date Created** 2017-04-30 03:03:46 UTC**Text****Url****Author** Aaron Aeson ([REDACTED])**Sent** 2017-04-22 17:06:42 UTC**Body** Lots of people from the Berkeley Heroes page are driving up for Anne Coulter on the 27th. One guy has a Tahoe with 5 empty seats. Brian and I are thinking about taking his car up. I'm going for sure. Lets spread the word to anyone we can get. Antifa can't be

SUBJECT TO PROTECTIVE ORDER

allowed a face saving victory.

Author Aaron Aeson ([REDACTED])
Sent 2017-04-21 05:25:32 UTC
Body []

Author [REDACTED]
Sent 2017-04-21 04:50:45 UTC
Body Worked all day. I'll cbeck it out in the morning

Author Aaron Aeson ([REDACTED])
Sent 2017-04-20 23:12:15 UTC
Body Any luck with airfare [REDACTED]

Author Aaron Aeson ([REDACTED])
Sent 2017-04-20 15:23:57 UTC
Body Its not set in stone yet.

Author Brittney Dillinger ([REDACTED])
Sent 2017-04-20 15:09:53 UTC
Body I need to build my commission and pipeline...I will be there in spirit.
 Please let me know if I can help with anything

Author Aaron Aeson ([REDACTED])
Sent 2017-04-20 07:07:31 UTC
Body Its true that she's lame. But we can't let antifa make a comeback.
 Another shaming will break them, a victory will make it like
 Berkeley necer happened.

Author Brittney Dillinger ([REDACTED])
Sent 2017-04-20 05:58:17 UTC
Body Im on the fence with her. She makes good and bad points. Would
 rather wait for Milo's return. Cannot take more time off from work
 anytime soon though.

Author Aaron Aeson ([REDACTED])
Sent 2017-04-20 05:35:10 UTC
Body <https://itsgoingdown.org/modesto-ca-call-action-ann-coulter/>
Share **Date Created** 2017-04-20 05:35:10 UTC
Summary Social Media Event Here Ann Coulter, the widely
 despised conservative columnist has been
 invited by the Stanislaus County Republican
 Party to speak in Modesto, California on April 28,
 2017. Known for her staunch racism and
 borderline religious support of far-Right
 politicians such as President Donal...
Text
Title Modesto, CA: A Call to Action Against Ann
 Coulter - IT'S GOING DOWN
Url <https://itsgoingdown.org/modesto-ca-call-action-ann-coulter/>

Author Aaron Aeson ([REDACTED])
Sent 2017-04-20 05:35:04 UTC
Body She's going to Modesto too. No reason not to make one of those.

Author Aaron Aeson ([REDACTED])
Sent 2017-04-20 04:57:34 UTC

SUBJECT TO PROTECTIVE ORDER

Photo Id:

250936512041044

Author Aaron Aeson ([REDACTED])
Sent 2017-04-20 04:22:23 UTC
Body Berkeley again. Returning victors. They're going to fwel like thw SoCal boys OWN their town.

Author Rob Bie ([REDACTED])
Sent 2017-04-20 04:21:32 UTC
Body Where is it

Author Rob Bie ([REDACTED])
Sent 2017-04-20 04:21:28 UTC
Body I'm so game. The city shut her down but she's still going to go

Author Aaron Aeson ([REDACTED])
Sent 2017-04-20 04:20:52 UTC
Body How does everyone feel about this Ann Coulter Event next Thursday? Brian is searching around for supwr cheap plane tickets. If we can fly up there without spending too much, I think we should go.

Author Brittney Dillinger ([REDACTED])
Sent 2017-04-19 22:34:42 UTC
Body

Attachments sticker (369239263222822)

Type image/png

Size 0

URL https://attachment.fbsbx.com/messaging_attachment.php?aid=369239263222822&mid=mid.%24gAAXI6edlvMthuZ_C81biFp60zs9w&uid=100013740917908&accid=100013740917908&preview=0&hash=AQDPL5rdCXQkezeH_l4KpzPbOE0YnD033FCC_u8s49I6iA

**Photo Id:** 369239263222822

Author ([REDACTED])
Sent 2017-04-19 22:34:31 UTC
Body

Attachments sticker (369239263222822)

Type image/png

Size 0

URL https://attachment.fbsbx.com/messaging_attachment.php?aid=369239263222822&mid=mid.%24gAAXI6edlvMthuZ_C81biFp60zs9w&uid=100013740917908&accid=100013740917908&preview=0&hash=AQDPL5rdCXQkezeH_l4KpzPbOE0YnD033FCC_u8s49I6iA

SUBJECT TO PROTECTIVE ORDER

EXHIBIT 17



Photo Id: 258983697902992

Posted 2017-05-07 02:55:15 UTC

Status Shit is going to get buck out there

Mobile true

Comments

User [REDACTED] ([REDACTED])

Text You should be there. ...you would ROCK some BLM bitches!

Time 2017-05-07 03:00:07 UTC

User [REDACTED] ([REDACTED])

Text You know what I want, @[100013740917908:2048:Robert]. Let them start this civil war. We will end it.

Time 2017-05-07 03:02:32 UTC

User Rob Bie ([REDACTED])

Text I really do wish..

Time 2017-05-07 03:10:58 UTC

User Rob Bie ([REDACTED])

Text Shit bro. The Jew army would shut it down pretty quick I feel

Time 2017-05-07 03:11:19 UTC

User Brittney Dillinger ([REDACTED])

Text Totally wish we could be there

Time 2017-05-07 03:52:21 UTC

User Rob Bie ([REDACTED])

Text It's going to get outrageous. Cops arent going to do jackshit

Time 2017-05-07 03:53:20 UTC

User Brittney Dillinger ([REDACTED])

Text I know. I'm hoping that folks from all over decide to show up for

this. Having been raised in Mississippi, I know that Southern patriots don't mess around either. They're the toughest types I know!

Time 2017-05-07 03:55:18 UTC

User [REDACTED]

Text I would've equipped you with a go pro.....

Time 2017-05-07 04:03:50 UTC

User Rob Bie ([REDACTED])

Text Sheeeeit. Next one we on

Time 2017-05-07 04:12:03 UTC

User [REDACTED]

Text Deal

Time 2017-05-07 04:13:42 UTC

Posted 2017-05-06 21:13:16 UTC

Status Fuck Hollywood too.. . But I wanna go see guardians of the galaxy

Mobile false

Photo Id: 258899554578073

Comments

User [REDACTED]

Text Guardians wasn't really that good, it was a box of emotional tampons

Time 2017-05-06 21:18:27 UTC

Posted 2017-05-06 21:09:32 UTC

Status Purge. Crusade. Prayer.

Mobile false

Photo Id: 258898414578187

Posted 2017-05-06 19:12:47 UTC

Status DOUBT YOUR DOUBTS AND BELIEVE YOUR BELIEFS †††

Mobile true

Posted 2017-05-06 16:33:28 UTC

Status ☐☐

Mobile false

Photo Id: 258816364586392

Posted 2017-05-06 09:17:19 UTC

Status Based af.

Mobile true

Posted 2017-05-06 09:12:04 UTC

Status These sandn!gger need a bullet in the head

Mobile true

Posted 2017-05-06 09:03:46 UTC

Status Lol. It's in mecca

Mobile true

EXHIBIT 18

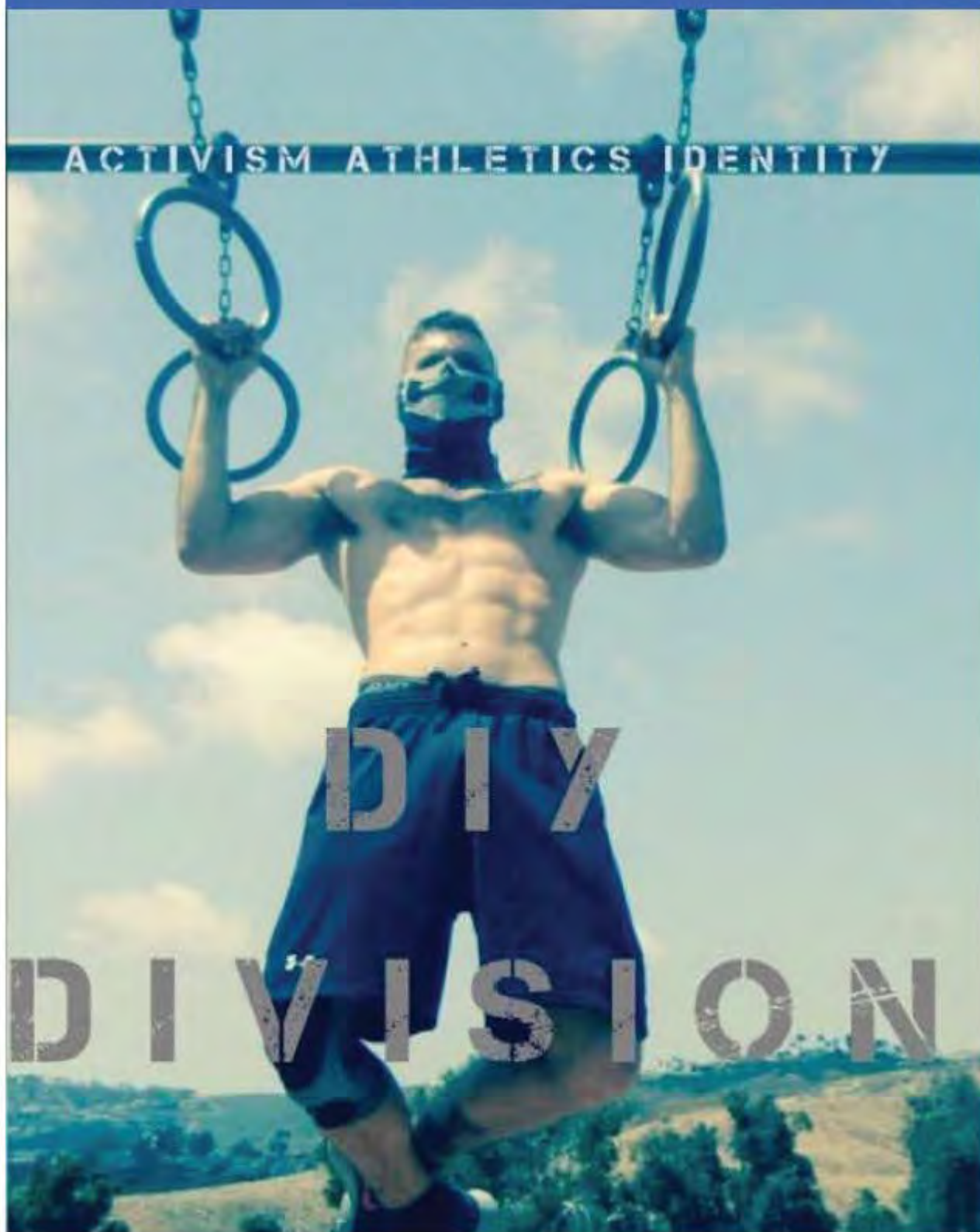


Photo Id: 1515493828005399624
Id 1515493828005399624
Taken 2017-05-15 20:42:44 UTC

Status 4 - Deleted by inactivation
Url https://www.instagram.com/p/BUIHZttjwxI
Source iOS Share Extension
Filter 0 - Normal
Upload Ip 2602:306:bc5a:8170:919e:58cb:2eb2:4b1a
Is Published true
Shared By false
Author
Comments
User rise_above_movement (4931962208) [RISE ABOVE MOVEMENT]
Id 17857223680149894
Date Created 2017-05-15 20:43:17 UTC
Text #workout #nationalist #calisthenics #maga
#rightwingdeathsquad #altright #antiantifa #rightwing
#basedelbowman
User [REDACTED]
Id 17881366168043895
Date Created 2017-05-15 21:13:59 UTC
Status 0
Text [REDACTED]

Image

EXHIBIT 19





EXHIBIT 20

POLICE DEPARTMENT CA0361000 SAN BERNARDINO, CALIFORNIA		CR2		CASE NUMBER [REDACTED]	
CODE SECTION (S) VANDALISM				REPORT TYPE NARRATIVE	
VICTIM'S NAME/ FIRMSNAME (LAST, FIRST, MIDDLE) UNKNOWN		RESIDENTIAL ADDRESS		CITY	STATE
				TELEPHONE NUMBER	

ASSIGNMENT:

On 06/10/17, I was assigned to work intelligence at the ACT for America anti-sharia law protest being held at the corner of Waterman Avenue and Orange Show Road. I had reached out to some of the organizers of the event and would maintain communication with them throughout the event. The coordinator of ACT for America was [REDACTED]. She would call me throughout the event to notify me of individuals on either side of the protest who were being violent.

The demonstrators took up positions on the northeast, southeast and southwest corners of the intersection. The counter protestors took up a position on the northwest corner, to the front of the Shell Gas Station located at 1194 S Waterman Ave, San Bernardino, CA 92408. The demonstrators parked their vehicles in commercial parking lots east of this location and along Parkcenter Circle. The counter protestors largely parked on Ennis Street, along the north side of the Shell Gas Station.

INVESTIGATION:

At one point, [REDACTED] called to notify me that a small group of individuals was walking around the ACT for America crowd and appeared to be acting aggressively toward the counter protestors. [REDACTED] wanted me to know that this group was not part of the larger ACT group and that she ([REDACTED]) believed they were white supremacists.

I also observed this group of individuals. They were easily identifiable as the vast majority of them were all wearing black face masks with white skulls printed on them. There were also a few wearing American flag bandanas but in total, there were approximately 13 individuals that were a part of this group. This group was observed on several occasions, walking aggressively toward the counter protestors in an apparent attempt to provoke and intimidate them. At one point, I overheard members of this group identify themselves as "Rise Above".

On another occasion, near the end of the event, this group again walked aggressively toward the counter protestors and into the Shell gas station. They stood near the entrance for several minutes before again walking back to the south west corner of the intersection. I was contacted by an unnamed counter protestor who said that her group was preparing to walk to their vehicles. She was concerned that the demonstrators might try to attack them on their to the cars. At this time, Officer PALUZZI and I moved to the north end of the Shell Gas Station parking lot. As the counter protestors began walking west on Ennis Street toward their vehicles, I observed several individuals from the aggressive group walking west on the south side of Orange Show Road. As I observed the individuals on the south west corner begin walking to the west, Officer PALUZZI and I began walking west on Ennis in the event any of the protestors intended to engage in physical altercations.

As Officer PALUZZI and I walked near 269 E Ennis Street, we observed several individuals from the aggressive group running north onto Ennis through a vacant lot located west of this location. The individuals began chasing counter protestors to their vehicles. There were two SUVs attempting to leave the area and the suspects began

REPORTING OFFICER (S) Rogers	IDENTIFICATION NUMBER (S) 50706		DATE 06/13/2017	RECORDS BARCODING ONLY
REVIEWED BY: Murray, Scott	DATE: 10/18/2017	FURTHER ACTION: Y - YES	RECORDS PROCESSING BY:	

POLICE DEPARTMENT CA0361000 SAN BERNARDINO, CALIFORNIA		CR2		CASE NUMBER [REDACTED]	
CODE SECTION (S) VANDALISM				REPORT TYPE NARRATIVE	
VICTIM'S NAME/ FIRMSNAME (LAST, FIRST, MIDDLE) UNKNOWN		RESIDENTIAL ADDRESS		CITY	STATE
				TELEPHONE NUMBER	

hitting their vehicles with flag poles. Suspect #2 hit the tailgate of the white SUV twice with his flag pole and suspect #1 shattered the back window of the gray SUV with his flag pole. Suspect #3 assisted by chasing other counter protestors on foot in an aggressive manner. Officer PALUZZI and I began chasing the suspects. All three suspects fled west on Ennis Street and north on Lincoln Avenue. Suspects# 1 and 3 stopped approximately 250 feet north of Ennis on the east side of Lincoln Avenue and put their hands up. I ordered both individuals to the ground and placed them into handcuffs. Suspect #2 was detained by Officer KELLY approximately 50 feet north of my location. Each of the suspects' actions was committed in my presence. The suspects were still wearing their black face masks with printed white skulls on them. I immediately recognized suspect #2 and #3 as previously walking around with the aggressive group earlier in the event.

SUSPECTS:

Suspect #1 was identified as D [REDACTED] K [REDACTED] [REDACTED] was issued citation# 0981261 for violating PC 415(1), Disturbing the Peace and PC 594, Vandalism. Suspect #2 was identified as R [REDACTED] S [REDACTED] [REDACTED]. S [REDACTED] was issued citation# 098160 for violating PC 415(1), Disturbing the Peace. Suspect #3 was identified as J [REDACTED] K [REDACTED] K [REDACTED] was issued citation #0981259 for violating PC 415(1), Disturbing the Peace.

Officer RETAMOZA responded to the scene of the arrest with the jail van and transported the suspects to the Central Detention Center where they were booked. All three subjects were booked for fear they could return to the scene of the protest and conduct further disturbances.

I obtained statements from the suspects. For further information, see attached suspect statements.

EVIDENCE:

I took several photographs of the suspects along with the items they had in their possession as the crimes were committed. I checked with Police Dispatch in order to make contact with the victim of the vandalism but was advised that no one had come forward to report the incident. I also took photographs of the shattered glass left on the ground as a result of the vandalism from suspect #1. The photograph was taken on E Ennis Street, east of Lincoln Avenue, facing to the east. For further information, see attached photos.

The flags used by K [REDACTED] and S [REDACTED] were tagged into evidence under evidence tag# 2017-6034.

The incident was also captured on Officer PALUZZI's body camera. For further information, see his camera recording.

RECOMMENDATIONS:

Although the victim of the vandalism left the area and did not contact law enforcement, the suspects were observed acting aggressively throughout the day. They appeared intent on provoking a physical altercation through their actions. Their decision to wear aggressive face masks also appeared to be part of their intent to intimidate the counter protestors. Eventually, the individuals in that group ran across Orange Show Road, chasing and attempting to assault counter protestors. These actions even resulted in a vehicle being damaged. It

REPORTING OFFICER (S) Rogers	IDENTIFICATION NUMBER (S) 50706		DATE 06/13/2017	RECORDS BARCODING ONLY
REVIEWED BY: Murray, Scott	DATE: 10/18/2017	FURTHER ACTION: Y - YES	RECORDS PROCESSING BY:	

POLICE DEPARTMENT CA0361000 SAN BERNARDINO, CALIFORNIA		CR2		CASE NUMBER [REDACTED]	
CODE SECTION (S) VANDALISM				REPORT TYPE NARRATIVE	
VICTIM'S NAME/ FIRMSNAME (LAST, FIRST, MIDDLE) UNKNOWN		RESIDENTIAL ADDRESS		CITY	STATE
TELEPHONE NUMBER					

is recommended that all three suspects be charged with violating PC 415(1), disturbing the Peace and that K [REDACTED] be charged with violating PC 549, Vandalism.

K [REDACTED] STATEMENT:

On 06/10/17, at approximately 1350 hours, while at the Central Detention Center, I advised K [REDACTED] of his Miranda rights per my department issued Miranda advisement card. When I asked if K [REDACTED] understood his rights, he said, "Yes." When I asked if he wanted to answer my questions, he said, "sure, I'll answer them."

K [REDACTED] told me that he went to the ACT anti sharia law protest because he believes that sharia law is a bad thing for the country. His intention was to educate people on this topic. K [REDACTED] told me that while at the protest, he was given the black face mask with the white skull print on it by a group of protestors. There was no discussion about assaulting anyone at the protest but toward the end, several members of this unknown group began running north from Orange Show Road through a vacant field. K [REDACTED] told me that he just saw people running and started following them but did not know what their intentions were. K [REDACTED] told me that he didn't hit anyone or damage any property.

REPORTING OFFICER (S) Rogers	IDENTIFICATION NUMBER (S) 50706		DATE: 06/13/2017	RECORDS BARCODING ONLY
REVIEWED BY: Murray, Scott	DATE: 10/18/2017	FURTHER ACTION: Y - YES	RECORDS PROCESSING BY:	

POLICE DEPARTMENT CA0361000 SAN BERNARDINO, CALIFORNIA		CR2		CASE NUMBER [REDACTED]	
CODE SECTION (S) VANDALISM				REPORT TYPE NARRATIVE	
VICTIM'S NAME/ FIRMSNAME (LAST, FIRST, MIDDLE) UNKNOWN		RESIDENTIAL ADDRESS		CITY	STATE
				TELEPHONE NUMBER	

S [REDACTED] STATEMENT:

On 06/10/17, at approximately 1402 hours, while at the Central Detention Center, I advised S [REDACTED] of his Miranda rights per my department issued Miranda advisement card. When I asked if S [REDACTED] understood his rights, he said "Yes." When I asked if he wanted to answer my questions, he said, "No."

REPORTING OFFICER (S) Rogers	IDENTIFICATION NUMBER (S) 50706		DATE 06/13/2017	RECORDS BARCODING ONLY
REVIEWED BY: Murray, Scott	DATE: 10/18/2017	FURTHER ACTION: Y - YES	RECORDS PROCESSING BY:	

POLICE DEPARTMENT CA0361000 SAN BERNARDINO, CALIFORNIA		CR2		CASE NUMBER [REDACTED]	
CODE SECTION (S) VANDALISM				REPORT TYPE NARRATIVE	
VICTIM'S NAME/ FIRMSNAME (LAST, FIRST, MIDDLE) UNKNOWN		RESIDENTIAL ADDRESS	CITY	STATE	TELEPHONE NUMBER

K [REDACTED] STATEMENT:

On 06/10/17, at approximately 1414 hours, while at the Central Detention Center, I advised K [REDACTED] of his Miranda rights per my department issued Miranda advisement card. When I asked if K [REDACTED] understood his rights, he said "Yes." When I asked if he wanted to answer my questions, he said, "I can answer some of them."

K [REDACTED] told me that he went to the anti-sharia law protest along with other individuals. While at the protest, he and other members of his group were yelling back and forth at the counter protests. He told me that he doesn't have clear recollection of all the events that occurred that day. He told me that at one part of the event, the counter protestors began walking back to their vehicles. K [REDACTED] and several other protestors began running toward the counter protestors as they got into their vehicles. K [REDACTED] told me that the intention was to taunt the counter protestors because they were leaving the area first. Once K [REDACTED] got to the counter protestors, his memory gets "fuzzy" and he can't remember everything that transpired after that. I asked K [REDACTED] if he remembered hitting the SUV with his flag pole and he said that he didn't remember and that he couldn't answer that question.

He then said that one of the protestors pointed a gun at him so he and several other individuals began running from the area. Later, he looked back and realized he was actually being chased by the Police. K [REDACTED] then stopped and obeyed orders because he believes in following the law and respecting Law Enforcement.

REPORTING OFFICER (S) Rogers	IDENTIFICATION NUMBER (S) 50706		DATE 06/13/2017	RECORDS BARCODING ONLY
REVIEWED BY: Murray, Scott	DATE: 10/18/2017	FURTHER ACTION: Y - YES	RECORDS PROCESSING BY:	

EXHIBIT 21

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION - LOS ANGELES

UNITED STATES OF AMERICA,)	CASE NO: 2:18-CR-00759-CJC-4
)	
Plaintiff,)	CRIMINAL
)	
vs.)	Los Angeles, California
)	
AARON EASON,)	Friday, November 2, 2018
)	(10:06 a.m. to 10:54 a.m.)
<u>Defendant.</u>)	

DETENTION HEARING

BEFORE THE HONORABLE ROZELLA A. OLIVER,
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For The Government: PATRICK FITZGERALD, ESQ.
Assistant United States Attorney
312 North Spring Street
Los Angeles, CA 90012

For The Defendant: JOHN N. McNICHOLAS, ESQ.
McNicholas Law Office, LLC
464 Palos Verdes Blvd.
Redondo Beach, CA 90277

Court Reporter: Recorded; CourtSmart

Courtroom Deputy: Donnamarie Luengo

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1 Los Angeles, California; Friday, November 2, 2018; 10:06 a.m.

2 **(Call to Order)**

3 **THE COURT:** Calling Case MJ-18-2791, United States of
4 America versus Aaron Eason.

5 Counsel, your appearances, please?

6 **MR. FITZGERALD:** Good morning, Your Honor. Patrick
7 Fitzgerald on behalf of the United States.

8 **THE COURT:** Good morning, Mr. Fitzgerald.

9 **MR. McNICHOLAS:** Good morning, Your Honor. John
10 McNicholas appearing on behalf of Aaron Eason, who's present in
11 custody.

12 Also, Your Honor, with me at counsel table is Florida
13 attorney Augustus Invictus, who is planning on being involved
14 in this case. And we're asking if he can remain at counsel.
15 He is Mr. Eason's private attorney.

16 **THE COURT:** Okay. Let me ask -- thank you very much
17 -- is it Mr. Invictus?

18 **MR. INVICTUS:** Yes, ma'am.

19 **THE COURT:** All right. Have you -- are admitted into
20 the central district?

21 **MR. INVICTUS:** No, ma'am, I've not --

22 **THE COURT:** Okay, all right.

23 **MR. INVICTUS:** -- (indisc.) yet.

24 **THE COURT:** Okay. I think then for purposes of
25 today, I don't think you can participate. I didn't hear

1 Mr. McNicholas saying that he would be participating, but
2 instead --

3 **MR. McNICHOLAS:** He's -- he will be -- I just want
4 him to stay at counsel table. He's a witness.

5 And we -- actually, we have a proffer regarding
6 something that happened with Mr. Invictus and the Defendant.
7 And the Government's aware of it. And so he may actually
8 testify.

9 **THE COURT:** Okay. Well, why don't we take it one
10 step at a time. And please be seated.

11 And then Mr. Eason, I see that you're here; good
12 morning, sir.

13 **DEFENDANT EASON:** Good morning.

14 **THE COURT:** Okay. We are here, as you know, on a
15 continued detention hearing. I have had an opportunity to
16 review the updated Pretrial Services report.

17 And I've also received the Defendant's memorandum in
18 support of his release pending trial. Mr. Fitzgerald, have you
19 had an opportunity to review the memorandum?

20 **MR. FITZGERALD:** I have, Your Honor, yes.

21 **THE COURT:** Okay, all right; thank you.

22 So why don't we just begin. First, I'll take the
23 Government's proffer again. And then I'll hear from
24 Mr. McNicholas.

25 **MR. FITZGERALD:** Your Honor, the Government proffers

1 the complaint in this matter, the contents of the Pretrial
2 Services report.

3 And it also proffers that yesterday afternoon, a two-
4 count indictment against the Defendant and other members of the
5 RAM organization was returned by the grand jury, one count at
6 18 USC; Section 371, conspiracy, and then 18 USC; 2101, riot --
7 an aiding and abetting, rioting.

8 **THE COURT:** Okay. All right. Thank you very much.

9 Mr. McNicholas, so I will hear you first. Why don't
10 you go ahead and state what you're prepared to offer in support
11 of bond in this case? And then I'll hear argument as well.

12 **MR. McNICHOLAS:** Your Honor, for general information
13 -- and we offer the complaint and the Pretrial Services report,
14 and that Mr. Eason had never been arrested in his life prior to
15 October 28, 2018. He's 38 years old.

16 Number two, Mr. Eason has lived in the central
17 district of California for about 98 percent of his life. He
18 also lived in Portland. I believe he lived in Arizona for just
19 a few months at one point in like 2000.

20 Mr. Eason has never been to Europe. There were some
21 comments about the organization having ties to Europe and
22 actually going there for some kind of training.

23 Mr. Eason has never been to Europe. Mr. Eason has
24 been outside of the United States two times his entire life,
25 once at age 10. And another time a few years later, they were

1 both (phonetic) to Mexico with his family.

2 His entire family, except for one brother who lives
3 in Arizona, is here. His father, his mother, his sister, and
4 his brother, and his daughter are all in the back row. And I
5 would proffer the testimony from his father, Walter Eason,
6 regarding some of the issues that have been alleged in the
7 amended Pretrial Services report.

8 So we have a situation where the individual's never
9 been arrested before, and suddenly, he's charged with a crime
10 of inciting or remaining in a riot, which carries a maximum of
11 five years' imprisonment, how -- when I read the statute.

12 I believe, just based on the statute itself, that the
13 time and imprisonment is not enough for a reasonable person to
14 want to commit flight, because you can also get probation off
15 of this offense if you are convicted, assuming that you are in
16 fact guilty.

17 Regarding the flight issue, apparently, the news on
18 the mainstream media came out midweek last week that there was
19 a warrant for Mr. Eason's arrest. Mr. Eason found out from his
20 father that there was a warrant for his arrest, that the FBI
21 was looking for him.

22 Mr. Eason didn't know what to do. He's never --
23 remember, he's never had issues with the law in his life. So
24 the logical thing to do is of course try to find a lawyer.

25 So Mr. Eason calls around trying to find a lawyer in

1 the area where they live up in Anza. It's far away from a lot;
2 I mean there's not a lot out there where he lives.

3 East of him, no -- it's not like they're right next
4 to San Bernardino or even Riverside. It's a long ways to go
5 from there.

6 Eventually, a friend referred Augustus Invictus, who
7 is an attorney from the state of Florida, licensed in four
8 states. And this is up his alley, these issues; he's dealt
9 with these issues before.

10 So Mr. Eason contacted Augustus Invictus. I'm
11 proffering the testimony of Mr. Invictus. He's prepared to
12 testify.

13 I don't know if the Government wants to accept the
14 testimony or not. But the bottom line is this; the information
15 I had is that Mr. Invictus spoke to Mr. Eason on either Friday
16 or Saturday, the 26th or 27th of October.

17 He -- they agreed that Mr. Invictus would be his
18 counsel on this matter, and that Mr. Eason wanted to know what
19 should he do. The advice of counsel, based upon his fear of
20 Government retaliation or danger regarding the FBI was, wait
21 for me, we'll turn you in together, we will drive to the FBI
22 together, I will drop you off at the office.

23 Mr. Invictus was flying from Florida. He did not
24 arrive until Sunday the 28th. As soon as Mr. Invictus arrived,
25 he escorted Mr. Eason to the FBI office on Wilshire Boulevard.

1 They met with the FBI agents. He turned himself in;
2 and he remained in custody ever since. So that's the extent of
3 what you could call some sort of flight issue.

4 I believe he did what most ordinary human beings do
5 when they're charged with a criminal complaint, is they find a
6 lawyer, they try to do it the best they can, so they're not
7 arrested and they're not subject to the byproducts of an
8 arrest, especially where they live out in that property.

9 Now, in the amended Pretrial Services report, there
10 is additional information regarding Walter Eason. Walter Eason
11 has no criminal record either. He's lived in the central
12 district his entire life.

13 And when the FBI came to his property, Walter Eason
14 was just simply putting the FBI on alert; he said, you know,
15 400 feet from our property, there is a Marijuana growing farm;
16 and I just want -- just be careful out there, because these
17 guys, you don't know if they're going to shoot you, if you
18 happen to stumble upon their property.

19 Well, in the amended report, the commentary that I'm
20 reading, are like, oh, Mr. Eason's actually the bad guy, and he
21 might shoot somebody or some of his family member might shoot
22 somebody.

23 That's not the case. We're dealing with a very
24 reasonable ordinary group of people that are all together.
25 They all work. They all have jobs. Everybody's gainfully

1 employed.

2 So that wasn't the point. Yes, there are a few
3 firearms on the property. But if the Court were to release
4 Mr. Eason, the firearms would be removed from the property.

5 And that would obviously be a condition that he
6 couldn't go to the property unless the firearms are removed.
7 There are a few firearms on the property.

8 Now, this Rise Above movement, Aaron Eason is not a
9 member, period. He never was a member. The three codefendants
10 in this case, maybe they're members and maybe they're not
11 members.

12 But the bottom line is, Aaron Eason's had very little
13 contact with any of those people. He doesn't know them on a
14 personal level. They are not his friends.

15 They associated for the purpose of going to this
16 Berkley rally, because Mr. Eason ended up putting a van on
17 somebody else's credit card and signed the contract for the van
18 for the basic premise that he was the only individual in the
19 van that was actually old enough to rent the van.

20 So he was designated to do it. He used somebody
21 else's credit card. So he rented the van, so then went up to
22 this rally.

23 Now, I believe, Your Honor, based on the facts that
24 I'm reading, and going to the facts, which are the least
25 important part of the release issue, but still significant, is

1 that conservative rallies, Donald Trump rallies, right-wing
2 rallies, rallies based on the First Amendment speech,
3 regardless of the content, are still protected, still
4 protected.

5 Yet this group of people, anarchists, Antifa,
6 communists, whatever you want to call them, have been
7 inflicting violence upon Donald Trump supporters, upon
8 conservatives, upon right-wingers, upon white supremacists,
9 whatever, they've been doing it, and they've been showing up at
10 events where these people have been peacefully speaking and
11 peacefully marching, throwing anything from eggs in the face,
12 to locks over the head, to mace in the eyes, over, and over,
13 and over again.

14 So these people see this stuff on the news, and
15 they're going, why doesn't the police protect speech? They're
16 not protecting speech.

17 Why can't we do something? Can something be done?
18 Well, why can't we just go there, at least to stand by? Why
19 can't we go there to stand by?

20 And as -- when they stand by, the confrontation
21 begins. The -- I mean there's thousands of videos on the
22 internet, Your Honor, regarding what's going on.

23 Berkley, almost the entire Berkley April 15th, 2017
24 rally is captured on video. And virtually all that I've seen
25 is Antifa going to the conservative, or right-winger, Trump

1 supporters, whatever they are, and right in their face,
2 aggressively instigating confrontation.

3 I attached several exhibits, Your Honor, because I
4 think those exhibits are important. In addition to the two
5 letters that I have, Your Honor -- and I'll just mention those
6 briefly, because those go more towards the integrity of
7 Mr. Eason -- the first letter is from a veterinarian in the
8 area, Mrs. Anderson, who actually employed Mr. Eason to do
9 landscaping work on -- for the community of Anza, where they
10 actually went, and put up decorative signs throughout the
11 community.

12 And he has actually assisted her before. And when
13 there was a fire in -- on her property, he was the first one to
14 go there and protect the property. So she wanted to make that
15 clear.

16 And any thought that Mr. Eason is a white supremacist
17 is completely beyond her belief, because she actually sees him
18 on a daily basis. And that is not her opinion of Mr. Eason at
19 all; okay? So this is somebody that actually knows her.

20 Also, I included a letter from Mr. Eason's brother-
21 in-law. And he has also stated that Mr. Eason did work for
22 him, and -- when they were doing landscaping.

23 Also, Your Honor, I'm proffering that Mr. Eason also
24 had a job as a bartender at a winery. And he worked at a feed
25 store in the area as well. So he's kept himself busy.

1 His dad, Walter Eason, they have a deal; take care of
2 this property, cook our meals for us, keep the place clean, and
3 you can stay here, you and your daughter can stay here. And
4 Mr. Eason's 13-year-old daughter is also here in the courtroom.

5 The two of them live together. The mother is not the
6 caregiver for that child; Mr. Eason is. The -- Mr. Eason is
7 the provider and the caregiver. And Mr. Eason, his father
8 Walter, and his brother Tim, and his daughter, they all live in
9 that house together.

10 There's another residence on the property; it's
11 actually a converted barn. That's where Mr. Eason's mother
12 lives, because the parents are divorced. And his sister and
13 his sister's family live in that converted barn.

14 So those people are all on this property. It is not
15 an active ranch; it's just a property; it's a -- it's land, and
16 it's where they live. It's been in the Eason family for a few
17 generations. Mr. Eason owns the property outright.

18 So anyway, those are Exhibit 1 and 2. Exhibit 3,
19 going down the list, has to do -- I put that out there, because
20 I think it's really important that that shows significantly
21 that the three codefendants, they're all in-action photos;
22 okay?

23 They're actually -- those photos were taken at events
24 at rallies, days where there was actually confrontation. Aaron
25 Eason, they don't have anything; there's no pictures of him

1 punching people or getting in fights with anybody. They took a
2 DMV photo.

3 So here, we have Rondelle (phonetic) Bowman and Laub
4 (phonetic); and they're action photos. And you got a picture
5 of Aaron Eason smiling for the camera when he's getting his
6 driver's license.

7 I think that's important, Your Honor, because Aaron
8 Eason was never in the picture in this case until he
9 communicated with the individuals about going to Berkley, and
10 they're taking a van, they're going to do some training.

11 And then they go to Berkley. And you never hear
12 about Mr. Eason again. Despite the history of this RAM
13 movement, despite the allegations of white supremacy, Aaron
14 Eason is in this picture for a short period of time.

15 Exhibit 4 through 7 illustrates who the true
16 aggressors are. And it is the Antifa, communist, anarchist
17 movement that is stifling speech in places like Berkley, in
18 places like Portland, in places like Washington DC.

19 It is a very difficult position for some reason. I
20 don't know why law enforcement stands down. But the Berkley
21 Police definitely stood down on April 15th.

22 They waited for all these events to happen. They
23 actually -- in Exhibit 4, this is actually a photograph of an
24 individual hitting a -- basically a helpless victim over the
25 head with a bike lock.

1 The individual who hit him over the head with a bike
2 lock was prosecuted by local authorities. He ended up with a
3 misdemeanor. But he did some pretty serious damage.

4 It's all on video for the world to see. But it was a
5 pretty violent act. The guy was sitting here engaged with the
6 women standing in front wearing a mask; those are Antifa
7 members.

8 And suddenly, somebody behind the man with the hoodie
9 pops out with a lock in his hand and hits him over the head
10 gushing blood. He had to be -- he had to go to the hospital
11 and get -- and be treated.

12 Okay, so that was significant. That is when police
13 actually stepped in at that Berkley rally.

14 The next picture just illustrates the type of person
15 who is there, the antagonizers, the communists, the anarchists,
16 who actually go to these rallies. This is a woman who makes
17 very clear what her positions are, that she was headed to
18 Berkley to disrupt the neo-white supremacist jerk circle today,
19 nervous but determined to bring back 100 Nazi scalps.

20 And then she gets there. She's got a wine bottle in
21 her hand during the video, during when there was actually
22 rioting going on. That's what she's got for her weapon as
23 she's jumping into the crowd, to do damage.

24 I know this woman is fairly notorious for her
25 actions. And she's on Twitter, and on Facebook, and everywhere

1 else, just advertising what she does.

2 We also wanted to show Exhibit 6, because Exhibit 6
3 is the Berkley April 15th. And there were actually -- many of
4 these people were wearing Trump, support Trump, Donald Trump t-
5 shirts.

6 And they're in the street in downtown Berkley. And
7 cars are trying to drive through. Well, the Antifa guys, all
8 the guys here with the hoodies, and the masks, and everything,
9 standing on the right, are blocking traffic; they're not
10 letting people go through.

11 So the ones on the left were there basically trying
12 to get the cars escorted through, so that they could get
13 peacefully to their destination. Confrontation obviously
14 resulted.

15 But there is a video, Your Honor, that I watched,
16 that shows these -- Trump's -- people with Trump t-shirts on,
17 people that are part of Mr. Eason's group that were actually
18 trying to help these cars move through.

19 Then also, Your Honor, I attached another photograph
20 with the individual being struck by a skateboard. He's wearing
21 a Trump t-shirt.

22 The individual hitting him is an Antifa member
23 wearing a mask. And then the final Exhibit 7 was just an
24 illustration of what these people were up against.

25 You see a guy just basically sitting down, being

1 confronted by a mob of Antifa members, most of them masked, but
2 the woman in front who is yelling, get the fuck out of here,
3 you racist piece of shit, she's not wearing a mask; she's
4 wearing sunglasses and a hat, and she looks like she might be a
5 leader of the group.

6 Within seconds, there's an individual standing behind
7 the woman. He's wearing a motorcycle helmet and a mask. His
8 face is covered.

9 Within seconds, that individual goes to a helpless
10 World War II veteran sitting in a wheelchair, takes the
11 veteran's water bottle from his hands and sprays it all over
12 his body. And that's depicted in Exhibit 7. I showed the
13 screen shot of that.

14 That's the reality of what happened in Berkley. It
15 has nothing to do with viewpoint. It has nothing to do with
16 white supremacy. It has nothing to do with going after certain
17 groups because they have things to say about other groups.

18 Mr. Eason is not a flight risk. Conditions are
19 definitely -- conditions can be fashioned to make sure that he
20 appears at every court appearance.

21 And conditions can be fashioned to ensure that if in
22 fact anybody considers him a danger to the community, that he
23 will not be a danger to the community. Number one, he doesn't
24 know those codefendants; he wants to be severed from them.

25 A condition that he have no contact with

1 codefendants, or any members of RAM, or any members of any
2 white supremacy group, or any other hate group, or whatever
3 people think, is an appropriate condition, because Mr. Eason's
4 moved on, he's not part of that. So that's an appropriate
5 condition.

6 Curfew is an appropriate condition. I mean house
7 arrest would be an appropriate condition as well, but I don't
8 believe, Your Honor, that he's done anything to require house
9 arrest; but it would -- I mean you could do that as well. I've
10 asked for curfew.

11 Staying in the central district of California, he's
12 never had a passport in his life, so that's not an issue. And
13 removing weapons from the property, of course is something that
14 can be done as well.

15 I do believe, Your Honor, that this group has been
16 targeted. It is definitely viewpoint discrimination against
17 certain people.

18 I don't know why the FBI has decided to go after
19 Mr. Eason and a few others. I know that they were on the
20 property just a couple days ago with a search warrant, looking
21 for additional, whatever they could find to link him to hate
22 groups or whatever.

23 So they're still after him; they're still looking for
24 information. But that's not what he's being charged with; he's
25 being charged with being involved with a riot, inciting and

1 carrying on a riot.

2 Well, what did he do to that? There's no evidence he
3 did that.

4 **THE COURT:** All right, thank you very much,
5 Mr. McNicholas.

6 All right, any response from the Government?

7 **MR. FITZGERALD:** Yes, Your Honor. First, again,
8 because the indictment has been returned, and there are two
9 counts, the Defendant is looking at a 10-year possible
10 sentence. And the difference between 10 years and five years
11 is relevant to the risk of flight.

12 Going in reverse order to the points that were made
13 by Defense counsel; first, in regard to Mr. Eason's conduct,
14 the complaint and the indictment do charge Mr. Eason with being
15 a member of the RAM group.

16 And as set forth in the complaint and the contents of
17 the Pretrial Services report, there is ample evidence to
18 support that charge.

19 In particular, I would note on paragraph 55 of the
20 complaint, the Defendant sent a text message on September 25th,
21 2017, which was after the events in Charlottesville (phonetic),
22 saying, back in position to go hard with activism, but said he
23 had been sidetracked after Berkley.

24 So the idea that he had just an intermittent contact
25 with members of the group for this one event and then had

1 severed ties of last interest is not particularly accurate.

2 Furthermore, along with organizing and setting up the
3 transport to the Berkley event, he also was setting up and
4 inviting people to training, as set forth, for example, in
5 paragraph 33 of the complaint. And again, they had talked
6 about providing, quote/unquote, security for events.

7 And also, as set forth in the complaint, what the
8 Government is charging and what the evidence supports is that
9 these were not persons who were at a rally or assembly
10 exercising their First Amendment rights.

11 There were, of course, many people there who were
12 doing that. But also, they went there with the intent and the
13 understanding to engage in violent activities, or in fact to
14 riot.

15 And in fact, even as Defense counsel described it,
16 the event at Berkley was a riot. And what happened there, as
17 set forth in some of the materials, again listed in the
18 complaint, was in fact the members of RAM, including to a
19 degree, the Defendant did actively engage with persons that
20 they perceived to be ideological enemies, and assaulted them,
21 and otherwise engaged in the violent activities that are
22 covered by the statute.

23 So this is not a situation where people were
24 exercising their First Amendment rights, obviously which should
25 be protected, and then engaged in self-defense when confronted

1 with others, were people, A, who were proactively looking for
2 trouble, and B, were in often cases, the aggressors.

3 And while certainly, to the extent that members of
4 the assembly were attacked by other persons, that is
5 regrettable, and it may be at some point, those other persons
6 should also be charged or will be charged, that does not excuse
7 the activities of the group or of the Defendant.

8 Finally, in regard to the discussion of the
9 ideological interests, and statements, and general position of
10 white supremacy, that was expressed by the members of RAM, that
11 is not charging people for having a particular ideology per
12 say; but it is relevant to showing the nature of the group, the
13 aims of the group, and what the group wanted to accomplish,
14 namely in this case, for this charge, rioting, preparing for
15 riot, inciting a riot.

16 And I think the white supremacist views that are
17 suppressed and established throughout the complaint adequately
18 show the relevance of that to the charges that we are bringing.

19 And then, in regard to the flight risk, even under
20 the circumstances that are described by the Defense, we have a
21 Defendant who was aware that there was a arrest warrant out for
22 him.

23 I can certainly proffer that the FBI was very clear
24 in talking to the Defendant's father, that the Defendant needed
25 to turn himself in immediately. And they were certainly

1 willing to discuss how he could do that in the safest manner
2 possible.

3 Furthermore, even under the circumstances that we've
4 received from the Defense proffer, there are inconsistencies
5 with the father talking to the Defendant, talking about getting
6 an attorney, while what the FBI was being told was that the
7 Defendant was unavailable and was out somewhere in the desert.

8 So that goes both to the credibility of the father,
9 the credibility of the proffer, and then the credibility of the
10 father as a potential surety in the case.

11 In regard to the proffer regarding the advice of
12 counsel, I've discussed with counsel, and they've agreed,
13 because the advice of counsel has been proffered to this Court,
14 that there's been a limited waiver of the attorney/client
15 privilege.

16 I would prefer not to put a fellow attorney on the
17 stand if that's not necessary. But I would ask through the
18 Court if we could have a supplemental proffer, where the timing
19 and the circumstances of the discussions between counsel and
20 Defendant occurred; did they occur over the phone, did counsel
21 know where the Defendant was when those discussions took place.

22 **THE COURT:** Okay. All right, thank you, very much.

23 All right, Mr. McNicholas, why don't I first pick up
24 where Mr. Fitzgerald left off there with the request for the
25 supplemental proffer. I do agree that there has to be a

1 limited waiver of the attorney/client privilege if --

2 **MR. McNICHOLAS:** Yes. And --

3 **THE COURT:** -- Mr. Invictus is offering that.

4 **MR. McNICHOLAS:** -- Mr. Eason is waiving that
5 privilege.

6 **THE COURT:** Okay.

7 **MR. McNICHOLAS:** Yes.

8 **THE COURT:** All right. Have you had an opportunity
9 to talk to Mr. Eason about that?

10 **MR. McNICHOLAS:** Yes, I have, Your Honor.

11 **THE COURT:** Okay.

12 **MR. McNICHOLAS:** The communication, as I stated
13 during my opening statement, was that the communication was on
14 Friday, the, I believe it's October 26th, between Mr. Eason and
15 Mr. Invictus.

16 And the discussion was, you wait for me, we will turn
17 you in together. And appointment was made. Mr. Invictus
18 contacted the FBI.

19 He set up an appointment to meet them on Sunday
20 afternoon, October 28th. And it was done; and it happened.
21 They met at the federal building.

22 The building's closed on Sundays, but they met there.
23 And Mr. Eason voluntarily surrendered to the FBI. And by the
24 way, Your Honor, 30 years I've been doing this, criminal
25 defense work. And occasionally, I -- an individual contacts me

1 who has a warrant for his arrest, wanting to know what to do.

2 I do exactly what Mr. Invictus does; let's figure out
3 a way to turn yourself in, so they don't come marching to your
4 house busting your door down, scaring your family and your
5 children, and we'll do this peacefully, the right way, we'll
6 surrender directly to them.

7 It is the appropriate, and peaceful, and reasonable
8 method of surrender. Especially, in this case, you've got
9 press all over the place. Everybody's just dying to take blood
10 of these so-called white supremacists.

11 It wasn't a good situation at all. If anything,
12 there was legitimate concern for Mr. Eason's safety. So 100
13 percent reasonable what went on there.

14 I don't think the Court should hold that in any way
15 against Mr. Eason, because it lasted a couple of extra days,
16 because he's waiting for his attorney to come from Florida.

17 Another thing, I do not accept the proffer of the
18 Government, that Mr. Eason is a member of RAM. They need to
19 prove it; there's no proof of that, okay, there's none
20 anywhere. So they need to prove that.

21 Number two, Mr. Eason has never been to
22 Charlottesville. If they're going to bring up the word
23 Charlottesville, prove that as well. I don't accept any
24 proffer that has anything to do with Charlottesville. That's
25 irrelevant; it has nothing to do with this case.

1 **THE COURT:** All right, Mr. McNicholas, why don't I
2 share with you some of my concerns and ask you to respond to
3 them? So I'm looking at the affidavit. And so what I have
4 here is -- I look at the timeline.

5 **MR. McNICHOLAS:** Right.

6 **THE COURT:** And again, this is based -- focusing on
7 what Mr. Eason was alleged to have said, either through social
8 media, text messages.

9 So we have him identifying himself, and then
10 referencing the Huntington Beach rally, and then after that,
11 undertaking the, what I think can be fairly characterized as
12 organizational steps with respect to the upcoming Berkley
13 rally.

14 And so -- and this is in paragraph 32 -- I mean
15 paragraph 34, the reference to training and preparation for
16 Berkley. And then the description, paragraph 37, of what
17 transpired at Berkley, including these images of Mr. Eason --

18 **MR. McNICHOLAS:** Mr. --

19 **THE COURT:** I think that's, again, paragraph 37. And
20 then I have after that, I have, I believe the description of
21 the pursuit in paragraph 40, which identifies Mr. Eason as one
22 of those.

23 And then the reference to -- excuse me -- the
24 statements attributed to Mr. Eason about after Berkley, ready
25 to go hard with activism.

1 **MR. McNICHOLAS:** Right.

2 **THE COURT:** And so I don't construe what was --
3 what's in the affidavit as saying that Mr. Eason was at
4 Charlottesville, but rather just simply after what transpired
5 in Charlottesville, that there was a, perhaps a quiet period.

6 **MR. McNICHOLAS:** You know, as far --

7 **THE COURT:** But -- so I guess -- so -- but let me
8 just be clear on what my concern is. So we have the Huntington
9 Beach rally, right, with -- I think without their -- at least
10 publicly described about the activities of this group.

11 And then we have what happens at Berkley, and then
12 these images of individuals assaulting other protestors. And
13 then what I have in front of me -- and there's a finding of
14 probable cause by a magistrate judge with respect to that --
15 and now, I have the proffer of the indictment --

16 **MR. McNICHOLAS:** Okay.

17 **THE COURT:** -- of violence occurring. And then I
18 have description of Mr. Eason standing there. And again, I
19 think that was -- well, somebody else alleged to be in this
20 movement is assaulting someone, another protestor.

21 **MR. McNICHOLAS:** Right, right, Your Honor.

22 **THE COURT:** And then -- but then here's my concern
23 about the danger, Mr. McNicholas, is after all that. But
24 there's no, at least not from what I'm seeing, kind of like a
25 disavow of this. I'm not -- this isn't what I signed up for,

1 this is -- this has gone beyond the First Amendment viewpoint.

2 And instead, I then have the post-Berkley, I'm ready
3 to go hard with activism; and that's --

4 **MR. McNICHOLAS:** Your Honor --

5 **THE COURT:** -- paragraph 55.

6 **MR. McNICHOLAS:** -- and I would like to comment on
7 that.

8 **THE COURT:** Please.

9 **MR. McNICHOLAS:** Mr. Eason was literally going to be
10 involved in planting trees. That is what that text is speaking
11 to. It has nothing to do with the rallies; it has nothing to
12 do with violence; it has to do with legitimate concern for his
13 community and planting trees.

14 And Your Honor, I got a letter right there that you
15 have, Exhibit 1. Mr. Eason is around the community. He's
16 beautifying the community.

17 He's putting signs up. He's a landscaper. He
18 literally was talking about planting trees. And without more,
19 there is nothing else.

20 **THE COURT:** So --

21 **MR. McNICHOLAS:** I mean to infer that that means
22 anything that is a -- that is criminal, is beyond belief.

23 **THE COURT:** So in paragraph 55, where it says, I'm
24 back in the position to go hard with activism?

25 **MR. McNICHOLAS:** Yeah, hard with activism.

1 **THE COURT:** I got sidetracked after Berkley?

2 **MR. McNICHOLAS:** Yeah. And by the way, Your Honor,
3 when you say there was no disavow, he did get sidetracked after
4 Berkley. He was disheartened after Berkley, after seeing what
5 went on in Berkley, he did step back; he didn't want to be
6 involved in a violent atmosphere.

7 He did make an effort to lead -- and do you know
8 what, Your Honor; he did leave. He hasn't been there; he has
9 not been there.

10 April 15th, 2017, a year-and-a-half ago, one day,
11 where no photographs are of him, Your Honor -- by the way,
12 Mr. Eason disputes that he's in any photographs.

13 There's a claim that he's in a photograph with a
14 banner. I don't believe he is; okay? There's no photographs
15 of Mr. Eason engaged in any kind of confrontational conduct.

16 Again, it's about protecting speakers, about
17 protecting viewpoint. But the theme is assault; and it's just
18 not the case. And I mean that will be litigated later on.

19 But even assuming that's the case, a man who's had a
20 life of no crime, a life of no violence -- and I do disagree
21 that it's a consecutive term, because I believe they merge; I
22 believe the conspiracy merges with the 2101 allegation.

23 I do believe it's a five-year maximum. I mean maybe
24 the Government will continue to argue with me on that; but I do
25 believe they merge, and it is a five-year maximum; okay?

1 This is an individual that deserves a chance. His
2 family is here; they are willing sureties. Whatever the
3 Government -- whatever the Court asks from them, I'm sure they
4 will agree to do.

5 I am 100 percent sure that Mr. Eason will be a
6 remarkable individual on pretrial release. There will be no
7 concerns. There will be no issues about him going to rallies
8 or events if there were.

9 The internet's pretty big, he's now an infamous
10 individual, and people will know.

11 **THE COURT:** All right, thank -- anything else,
12 Mr. McNicholas?

13 **MR. McNICHOLAS:** No, Your Honor.

14 **THE COURT:** Okay.

15 Mr. Fitzgerald, with respect to the flight danger, I
16 -- as I already expressed to Mr. McNicholas, my concerns about
17 danger, when I look at the flight component or analysis, I see
18 an individual who did self-surrender, eventually not long after
19 being notified.

20 And then I see an individual with no criminal history
21 and who now has willing sureties. So while I have my concerns
22 about danger, I guess I -- from my position, I do see a
23 condition or combination of conditions with respect to flight.

24 And so I just want to give the Government an
25 opportunity if it wants to be heard on flight.

1 **MR. FITZGERALD:** Yes, Your Honor. First, I would
2 state that a person who -- aware of a search warrant and --
3 excuse me -- an arrest warrant and an order of the Court, and
4 is aware that the FBI is actively looking for him and is trying
5 to arrange to have him surrender as soon as possible, feels
6 that it is appropriate to delay, to discuss, determine what's
7 in his best interest, is someone who when he makes that
8 calculus in the future could well decide once again not to
9 appear in court.

10 Second, I'll just reiterate the sureties and the
11 circumstances, whereby he would let out are involved with his
12 family, the property. And I believe he have shown why there
13 are issues there, where at least one of the surety members, the
14 father, was not being candid with law enforcement regarding the
15 location of his son.

16 And I'll note, despite by request, we have not heard
17 from the Defendant's private counsel where the Defendant was
18 when these telephone calls took place. And it's certainly
19 possible he was actually at the house with his parents in a
20 safe place, where they simply could have called up the FBI and
21 said, please come and in a low-key nonconfrontational way,
22 please, I'll surrender, you can arrest me.

23 And certainly, I think nothing in the case or
24 anything in the record suggests that the FBI was looking to go
25 in, in a SWAT-sort of mode and was trying to make this as

1 dramatic and violent as possible; quite the opposite.

2 Furthermore, in regard to the number of sureties,
3 there was a suggestion in the Defense memorandum that there
4 would be \$100,000; but that would appear to be unsecured. And
5 I would suggest that any sort of surety that would guarantee
6 the Defendant being here would have to be a larger amount and
7 would have to be secured by real property.

8 **THE COURT:** Okay. All right, thank you very much.

9 Anything else, Mr. McNicholas?

10 **MR. McNICHOLAS:** No, Your Honor.

11 **THE COURT:** Okay.

12 All right, so Mr. Eason, we -- I've heard from the
13 attorneys. I've evaluated the information in the complaint and
14 the affidavit, as well as the information in the Pretrial
15 Services report.

16 And I've tried to let your attorney know where my
17 concerns are. And I still have the same concerns that I
18 mentioned to Mr. McNicholas.

19 And it concerns the danger here, the safety of the
20 community, and whether or not a condition or conditions can be
21 fashioned that will ensure the safety of the community.

22 So I know that your attorney disagrees with what I'm
23 about to say. I'll let you make a record, Mr. McNicholas,
24 after this. But I have in front of me the information
25 contained in the affidavit.

1 And I spent a lot of time looking at the timeline
2 that's set out in that affidavit, what's described about this
3 organization RAM. I took a look at the statements that are
4 attributed to you and what's described about your participation
5 and/or involvement at Berkley.

6 And what I take away from that is that you appear to
7 understand what the movement, this movement was doing or did in
8 appearing at (indisc.) appearing at these events, these
9 rallies, that you took steps to arrange, not only for
10 transportation, but some type of training.

11 I don't have any more information about that. Your
12 attorney will be able to make arguments about what that really
13 means, based on your understanding or your view.

14 But I have just this limited information; and then I
15 have the description about you and what you were doing while
16 you were at the Berkley rally.

17 And then I have a statement after that, when it
18 appears to me that you should know or should've known what the
19 movement was attempting to do, based on the violence that
20 occurred at Berkley, and then knowing all of that.

21 Again, as I had come back to a couple of times, I
22 have this paragraph showing that you are not -- it's not
23 withdrawing from the movement or the conspiracy that's been
24 charged, but instead, you are still participating. I'm
25 referring again to the paragraph 55.

1 I appreciate what Mr. McNicholas is saying and trying
2 to explain that. I don't -- I guess I -- within the four
3 corners of the affidavit, I just -- I don't see that as a
4 reasonable description that can somehow make that not of
5 concern to the Court.

6 So for that reason and for those reasons, Mr. Eason,
7 I'm going to order that you be detained and remanded to the
8 custody of the marshals while this case is pending.

9 All right, Mr. McNicholas, do you want to state
10 anything on the record?

11 **MR. McNICHOLAS:** I will say that the Court has the
12 premise wrong. It is clearly inaccurate that the group of
13 individuals that did go to Berkley went there to defend
14 speakers, to defend people who were exercising their First
15 Amendment rights. And when they were being attacked
16 physically, they defended them.

17 However, with that in mind, Mr. Eason never committed
18 a crime. And even -- the evidence that we've seen so far, so
19 minimum, so transparent, it does not go to the essence of
20 criminal activity.

21 Again, the Rise Above movement is a figment of the
22 Government's imagination, at least regarding Mr. Eason. I
23 could go on, and on, and on about this.

24 But when you say Mr. Eason never withdrew from the
25 conspiracy, he didn't do anything. After Berkley, I mean

1 besides one text, where he says, I'm going to get active again,
2 there's nothing.

3 So it really -- there is no justification for holding
4 him in custody pending trial. It's really too bad.

5 **THE COURT:** All right. Does the Government want to
6 put anything else on the record before we --

7 **MR. FITZGERALD:** Yes, Your Honor. I want to
8 emphasize, it's not as significant as the post-Charlottesville
9 text is; that is not the only evidence.

10 And in fact, in the complaint itself, shortly after
11 the Berkley melee, the Defendant sent a text message to
12 Mr. Masellis (phonetic) asking if Mr. Masellis' broken hand was
13 strong enough to attend another event at Berkley on April 27th,
14 2017, stating, I'm driving up to deny Antifa, a face-saving
15 (phonetic) victory.

16 And I respectfully submit that they were not talking
17 about planting trees in that exchange.

18 **THE COURT:** Okay. All right, thank you.

19 All right, so Mr. McNicholas, I think then what --
20 having now concluded the detention hearing portion, I think we
21 just need to set the date for post indictment arraignment, now
22 that the indictment has been returned.

23 **MR. McNICHOLAS:** That's fine, Your Honor.

24 **THE COURT:** And I propose November 9, which is a week
25 from today, at 11:00 a.m.

1 **MR. McNICHOLAS:** That's fine, Your Honor.

2 **THE COURT:** All right.

3 All right, Mr. Eason, you're going to be back here in
4 this courtroom a week from today Friday, November 9 at 11:00
5 a.m. for post indictment arraignment, which is when your
6 district judge will be assigned and the Court, whoever is
7 sitting here, will take the not guilty plea and then set dates.

8 All right, anything further, Mr. McNicholas?

9 **MR. McNICHOLAS:** No, Your Honor.

10 **THE COURT:** All right.

11 From the Government?

12 **MR. FITZGERALD:** No, Your Honor.

13 **THE COURT:** All right. Thank you. We're adjourned.

14 **(Proceeding adjourned at 10:54 a.m.)**

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CERTIFICATION

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.



December 13, 2018

TONI HUDSON, TRANSCRIBER

EXHIBIT 22

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION - LOS ANGELES

UNITED STATES OF AMERICA,)	CASE NO: 2:18-CR-00759-CJC-4
)	
Plaintiff,)	CRIMINAL
)	
vs.)	Los Angeles, California
)	
AARON EASON,)	Tuesday, November 27, 2018
)	(1:08 p.m. to 2:25 p.m.)
<u>Defendant.</u>)	

DETENTION HEARING

BEFORE THE HONORABLE ROZELLA A. OLIVER,
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For The Government: DAVID T. RYAN, ESQ.
GEORGE E PENCE, IV, ESQ.
Assistant United States Attorney
312 North Spring Street
Los Angeles, CA 90012

For The Defendant: JOHN N. McNICHOLAS, ESQ.
McNicholas Law Office, LLC
464 Palos Verdes Blvd.
Redondo Beach, CA 90277

Court Reporter: Recorded; CourtSmart

Courtroom Deputy: Donnamarie Luengo

Transcribed by: Exceptional Reporting Services, Inc.
P.O. Box 18668
Corpus Christi, TX 78480-8668
361 949-2988

Proceedings recorded by electronic sound recording;
transcript produced by transcription service.

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<u>DEFENSE WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
BRITTNEY WELCH	9	23		

1 Los Angeles, California; Tuesday, November 27, 2018; 1:08 p.m.

2 (Call to order)

3 **THE CLERK:** Calling Case CR-18-759, *United States of*
4 *America versus Aaron Eason*. Counsel, appearances, please?

5 **MR. RYAN:** Good afternoon, Your Honor, David Ryan and
6 George Pence on behalf of the United States. Also at counsel
7 table is FBI Special Agent Hank Waldheim.

8 **THE COURT:** Good afternoon.

9 **MR. McNICHOLAS:** Good afternoon, Your Honor, John
10 McNicholas appearing on behalf of Aaron Easton who's present in
11 custody.

12 **THE COURT:** Good afternoon. Good afternoon, please
13 be seated. All right, we're here today on, Mr. McNicholas,
14 your motion for a bail review. And procedurally I thought it
15 would go to the district judge but it looks like it's been sent
16 back to me to resolve.

17 **MR. McNICHOLAS:** Yes, Your Honor. We submitted the
18 declaration of Brittney Welsh (sic) who is present in court,
19 and I would actually like her to testify if your -- if the
20 Court would permit. And I'm also reading the addendum to the
21 Pretrial Services Report which does state that Walter Eason
22 would actually be willing to act as a secured surety. So that
23 could be new information as well.

24 **THE COURT:** Okay, all right. So I'll take that in --
25 for purposes of the new information that's been presented. All

1 right, and --

2 **MR. McNICHOLAS:** Additionally, Your Honor, with the -
3 - with Ms. Welsh's (sic) declaration, I submitted Exhibits 9
4 and 10. After I filed the declaration, the Government did
5 provide me with video recordings and I was able to do
6 screenshots of parts of those that I have provided to the Court
7 as well. So my exhibit numbers actually trail from the last
8 hearing that we were at and that's why I started --

9 **THE COURT:** Right.

10 **MR. McNICHOLAS:** -- with Exhibit 9.

11 **THE COURT:** Right. And then so what was handed up to
12 me are color copies at least I pulled down your -- the
13 declaration of Ms. Welsh (sic) at Docket 65 and so I have two
14 exhibits, nine and ten, and then it looks like after that are
15 the additional ones that you just referenced --

16 **MR. McNICHOLAS:** Right.

17 **THE COURT:** -- that you made screenshots.

18 **MR. McNICHOLAS:** And I could describe them to the
19 Court. Exhibit 11 is intended to show the actual speaker's
20 area from the perspective of the group that Mr. Eason was
21 associated with. It was a free speech rally. So Exhibit 11
22 actually shows the area in the background where the speakers
23 were engaged. So I thought that was significant and that
24 should be shown to the Court.

25 Exhibit 12 is merely a shot of the resistance

1 movement, the Antifa crowd, that was there, possessing banners
2 "Trump must go by any means necessary." I thought that was
3 significant enough to show to the Court as well.

4 Exhibit 13 is four different still screenshots. The
5 Government has presented exhibits of Mr. Eason using physical
6 force against an individual who appears to be on the ground
7 who's wearing dark clothing. Exhibit 13 gives the Court
8 perspective on what actually occurred. Mr. Eason was attacked
9 by that individual. It's shown by the stills that I have
10 starting with 13-A, I call it, the first page, where the
11 individual is actually taking a swing at Mr. Eason. Mr. Eason
12 does not punch the man. He puts his arm up in the air, his
13 hand is in the air to block the punch. After that, the second
14 shot, the second still, shows the individual trying to tackle
15 Mr. Eason. He puts his hands around Mr. Eason's waist and the
16 two of them go to the ground. As you can see by the third
17 photograph, they're going to the ground. And by the fourth
18 still, Mr. Eason has the man, the man is face down, but he's
19 still holding on to Mr. Eason's legs. And Mr. Eason then uses
20 his elbow and he uses his fist to get the guy loose. When the
21 man is loose, Mr. Eason stands up, he returns to where he was
22 before. That's extremely important because from the evidence
23 I've seen, that is the most significant act of violence that
24 the Government claims Mr. Eason engaged in ever. So that was
25 important.

1 Exhibit 14 is also important because it kind of lays
2 out the positions of the different individuals, the different
3 groups. As you can see on the first page of Exhibit 14 there's
4 Aaron Eason standing behind what is an orange mesh that was
5 placed by the Berkeley Police Department. On the other side of
6 the orange mesh, you see in the distance there is Berkeley
7 police officers. Well that was sort of a no-walk zone. That
8 was the area that the police were to patrol during the rally.
9 On the other side is -- of the mesh, there's actually another
10 mesh, and you'll see that 14-B, the second page, that is what
11 is on the other side of the mesh. So you see there's a
12 significant number of individuals dressed in black with their
13 faces covered, and that is what Aaron Eason's looking at,
14 because these pictures were taken simultaneously, Your Honor.
15 The camera was panning one group and then panning the other
16 group. I was noting what was actually being verbalized, which
17 I will proffer. I'm not going to play the recordings today but
18 there's an individual singing "The Star Spangled Banner" next
19 to Aaron Eason, and meanwhile the -- you can hear where the
20 Antifa crowd is, their chant is, "Racist, sexist, antigay, Nazi
21 scumbags, go away." And that was going on pretty much
22 throughout the entire day from that side until actual violence
23 did ring out. It's also important to note, I just wanted the
24 Court to take notice of who's on the side where -- who's Aaron
25 Eason standing with. Well, one of the individuals is Brittney

1 Welsh (sic), who I want to testify. She's right next to him.
2 And then there's other people, various different colors,
3 various different racial backgrounds that are standing in Aaron
4 Eason's group. And I thought was significant as well. That's
5 why I attached that.

6 **THE COURT:** That's Exhibit 14, the --

7 **MR. McNICHOLAS:** Yeah, Exhibit 14, Your Honor.

8 **THE COURT:** Okay, 14-A.

9 **MR. McNICHOLAS:** Yes.

10 **THE COURT:** All right, let me just ask either
11 Mr. Ryan or Mr. Pence, with respect to the exhibits, it sounds
12 like Mr. McNicholas, there's -- obtained them from the
13 discovery that you produced being the Government so I assume
14 there's no objection as to foundation.

15 **MR. RYAN:** No objection.

16 **THE COURT:** Okay, all right. And then we have -- let
17 me -- I'll just ask you to sit down for just a minute,
18 Mr. McNicholas, so we can ascertain how we're going to proceed.

19 And then I have from the Government an exhibit binder
20 which I assume, Mr. Ryan, has already been provided to
21 Mr. McNicholas.

22 **MR. McNICHOLAS:** I --

23 **THE COURT:** Or the exhibits, the content.

24 **MR. McNICHOLAS:** I did receive them by email
25 yesterday. I don't -- did you give me the book? I didn't get

1 the book.

2 **THE COURT:** And it looks like they're the same
3 exhibits as contained in the courtesy copy; is that right, --

4 **MR. RYAN:** Yes, it should --

5 **THE COURT:** -- Mr. Ryan?

6 **MR. RYAN:** -- be file-stamped.

7 **THE COURT:** Okay.

8 **MR. RYAN:** On the top.

9 **THE COURT:** Great. And does the Government intend to
10 put on a witness?

11 **MR. RYAN:** No, Your Honor.

12 **THE COURT:** Okay, all right. So then,
13 Mr. McNicholas, you did indicate that you would like to call a
14 witness; is that Ms. Welsh (sic)?

15 **MR. McNICHOLAS:** Yes, Your Honor.

16 **THE COURT:** Okay, all right, you may go ahead and do
17 that. Is she present, Ms. Welsh (sic)?

18 **MR. McNICHOLAS:** Yes, she is.

19 **THE COURT:** All right. Good afternoon, Ms. Welsh
20 (sic). If you could come forward?

21 **MS. SPEAKER:** I'm so sorry.

22 **THE COURT:** It's all right. We misdirected you.

23 We're in a --

24 **MS. SPEAKER:** We're in a different courtroom.

25 **THE COURT:** -- different courtroom from our normal

Welch - Direct / By Mr. McNicholas

9

1 one. Sorry about that.

2 **THE CLERK:** Can you stand right there and raise your
3 right hand?

4 **BRITTNEY WELCH, DEFENDANT'S WITNESS, SWORN**

5 **THE CLERK:** Thank you. You can go ahead and have a
6 seat. Go ahead and state and spell your name for the record.

7 **THE WITNESS:** Brittney Welch, that's B-R-I-T-T-N-E-Y,
8 Welch, W-E-L-C-H.

9 **THE COURT:** All right, you may proceed,
10 Mr. McNicholas.

11 **MR. McNICHOLAS:** Hello, Ms. Welsh (sic).

12 **DIRECT EXAMINATION**

13 **BY MR. McNICHOLAS:**

14 Q What is it that you do for a living?

15 A Right now I'm a caretaker for my father. He has late-
16 stage cancer. I am also a fulltime student getting my
17 certification as a respiratory therapist practitioner.

18 Q And do you live in San Diego County?

19 A I'm in North County, Oceanside.

20 Q Do you know Aaron Eason?

21 A Yes.

22 Q And how do you know Aaron Eason?

23 A He attended the rally that I had organized in San Diego
24 called "March For Trump."

25 Q Okay. Now, you said you organized a rally in San Diego

1 called "March For Trump." What was that about?

2 A It was the nationwide march that occurred on March 4th,
3 2017. I had volunteered to organize the location of San Diego.

4 Q And what was it about Aaron Eason that called for the two
5 of you to meet?

6 A He showed up. I had introduced -- I had met a lot of the
7 attendees that had showed up as well. He volunteered to assist
8 me if I had any troubles, and we exchanged information and we
9 kept in contact and stuff.

10 Q Do you recall whether the "March For Trump" in San Diego
11 was an organized event?

12 A Yes. It was extremely organized.

13 Q And were there permits requested for that?

14 A We had permits. We also had the Embarcadero area. We had
15 the FBI and the police of the area patrol and, you know, scout
16 the area to make sure that nothing was out of place and made
17 sure that people were safe as well.

18 Q And were there speakers at that event?

19 A Not at that -- not in my organized march. There was a
20 second part to it called "The Spirit Rally," I believe, and
21 there were speakers.

22 Q Okay. Now, you say you organized this "March For Trump."
23 Is it because of any political leanings or affiliations that
24 you have?

25 A I don't have any political leanings. I never really

1 identified with one. But I wanted to express my right to show
2 my support for our president.

3 Q Have you ever heard of a group called the "Rise Above
4 Movement?"

5 A Not until recently.

6 Q Like how recently?

7 A Until this case.

8 Q So after this case you -- was filed, you heard about it.

9 A Correct.

10 Q Do you know who told you about it?

11 A It was you. You did.

12 Q Okay. And that was obviously after I was appointed to be
13 Mr. Eason's attorney.

14 A Correct.

15 Q So at the San Diego march, was there anything unusual that
16 happened between different groups of people that was noticeable
17 to you?

18 A Our march -- the march was pretty peaceful. There was no
19 altercations whatsoever. Now, at the spirit rally afterwards
20 there were some extreme groups there. There was like a handful
21 of Antifas.

22 Q Okay, now you mentioned a spirit rally, where was the
23 spirit rally?

24 A That was held by the Bay, right behind the convention
25 center.

1 Q And were you there for that?

2 A I attended after the march ended.

3 Q Was Aaron Eason there?

4 A I believe so.

5 Q Now, you said some Antifa were present at the spirit
6 rally. How do you know what Antifa is?

7 A Just from what they look like online, their presence in
8 the media of -- I've known what Antifa was from what the media
9 have, you know, shown on TV, their violence presence of
10 attacking people at different events.

11 Q So did any attacks occur at San Diego?

12 A No attacks occurred at San Diego. I made sure that there
13 was police and the authorities involved to make sure people
14 were safe.

15 Q All right. After you organized the San Diego event, did
16 you go on to assist with any other events?

17 A I provided my support for the Berkeley free speech rally.

18 Q And that was on April 15, 2017, correct?

19 A Yes, sir.

20 Q Now, before that, I believe it was in March, not too long
21 after your San Diego "March For Trump," there was an event in
22 Huntington Beach; did you know about that?

23 A Yes, I did.

24 Q And were you part of that group?

25 A No, I was not.

1 Q Were you -- did you have any communications with anybody
2 that was actually in Huntington Beach?

3 A Yes, I did.

4 Q And who was that?

5 A With Aaron.

6 Q And what was -- what were your communications involving?

7 A He just asked if I was going to be there.

8 Q Okay. The -- your involvement in the San Diego event was
9 related to what you said was a national movement, correct?

10 A Correct, a totally grassroots national movement.

11 Q And in fact wasn't there a group based out of Berkeley
12 that was also organizing an event on that same day?

13 A Correct. It was the Berkeley's location of the "March For
14 Trump."

15 Q And do you know who organized that event?

16 A Rich Black.

17 Q So Rich Black was the organizer of the "March For Trump."

18 Did Rich Black then organize the April 15th event?

19 A Yes, he did.

20 Q Did -- and did Rich Black ask you to assist him at the
21 April 15th event?

22 A He did.

23 Q And what did he ask you to do?

24 A He asked if I could try to invite people, see if there was
25 anyone that -- any supporters from my event would be willing to

1 go show up because, you know, more power in numbers.

2 Q Did you contact Aaron Eason based upon that?

3 A I did let Aaron know that I was thinking about going to
4 Berkeley because it was being promoted on Facebook. I asked if
5 he would like to volunteer and come along and he -- yes.

6 Q And what was the purpose of asking Aaron to come along?

7 A To help with the event, to help protect some of the
8 attendees from getting attacked.

9 Q And why was there an actual threat of attendees being
10 injured or hurt?

11 A Because that is precisely what Antifa did at the "March
12 For Trump" rally on March 4th, 2017. They also threatened Rich
13 Black directly and the other attendees that were there.

14 Q Did you actually witness Antifa attacking attendees of the
15 San Diego event?

16 A The San Diego event I did not witness it. I did receive
17 threats online that they were going to try to attack the
18 attendees.

19 Q And you were also familiar with what happened with Milo
20 Yiannopoulos --

21 A Yes.

22 Q -- at Berkeley?

23 A Yes.

24 Q And you are also familiar with Ben Shapiro's event being
25 canceled.

1 A Correct.

2 Q So what -- did Rich Black actually voice his concerns to
3 you that he thought that people were in danger if there was not
4 some sort of a presence at the Berkeley event in order to
5 protect the speakers?

6 A Yes.

7 Q So did he ask you to recruit these people?

8 A No. He just asked if I could just invite more people
9 because he felt that if there weren't as many people, then
10 there won't be -- then they would be outnumbered by Antifa.

11 Q So you told Aaron Eason about the event, correct?

12 A I told him about the event and I asked if he could see if
13 he can reach out to any friends, any people that he met at the
14 rally. I reached out to a bunch of people at the rally if they
15 would like to go to the Berkeley event.

16 Q Now, Rich Black also said that he would reimburse for
17 travel expenses and hotels, correct?

18 A Correct. He said he would reimburse if I were to bring a
19 group of people, however many, just as long as we had people to
20 provide as a deterrent or protection.

21 Q So did in fact everybody get reimbursed for their expenses
22 to come?

23 A No.

24 Q Okay. Including who?

25 A Me.

1 Q So you were out-of-pocket --

2 A Yes.

3 Q -- for what? What expenses did you have to pay for?

4 A Probably altogether for the hotel it was like 1,500.

5 Q Did you pay for Aaron's hotel room?

6 A Yes.

7 Q When the event at Berkeley took place on April 15th, do
8 you recall approximately what time of the morning you arrived
9 at that location?

10 A I'm going to say it was around 8:00 a.m., 7:00 a.m., 8:00
11 a.m.

12 Q And what was going on when you arrived?

13 A A lot of the people were just standing around. There was
14 hardly any attendees there at first. There was no PD, there
15 was no orange mesh.

16 Q So it was a small crowd.

17 A Small crowd.

18 Q What time did the speaker start speaking?

19 A It's hard to say. I want to say maybe around 10:00 a.m.

20 Q And then I've submitted an exhibit which you've already
21 seen earlier today and it was marked as Exhibit 11, but it
22 shows the area where the speakers were; you recall seeking that
23 exhibit?

24 A Yes.

25 Q And what was the sound system like that the speakers had?

1 A They had a couple speakers, stereos, and a microphone.

2 Q Do you recall a time where Antifa started flooding the
3 park?

4 A Yes.

5 Q And was that -- do you recall approximately what time that
6 was?

7 A It had to have been around 9:00 a.m., --

8 Q When the --

9 A -- 8:30, 9:00 a.m.

10 Q -- Antifa people came, did they bring their own sound
11 systems?

12 A They did. A lot of them had stereos. Yes, they did.

13 Q When Antifa people arrived, could you even hear the
14 speakers that were with your group?

15 A No, not really. They had blowhorns.

16 Q And of course they were chanting as well.

17 A They were chanting. They had rap music cranked up really
18 loud.

19 Q Was there a time where you observed Antifa people with
20 weapons?

21 A Yes.

22 Q And what did you observe from the Antifa side?

23 A I saw sticks, not sticks but like wooden poles, some metal
24 poles, bats, bottles, big rocks, bricks.

25 Q Were they being thrown?

1 A They weren't being thrown but you can just -- they had
2 them in the grass area with them.

3 Q Were there any explosive devices that you witnessed?

4 A Yes.

5 Q And when -- did you actually see explosive devices
6 ignited?

7 A Yes.

8 Q And were any of them from your side of the mesh?

9 A They were being thrown in from the Antifa side onto my
10 side of the mesh.

11 Q Do you recall a point in the day where the event really
12 got out of control and it looked like there were fights
13 breaking out?

14 A Yes.

15 Q What was -- from your perspective, what did you observe?

16 A I observed Antifa, the Antifa side, they were reaching
17 over, you know, threatening to hit people. And then it got to
18 the point where they started initially throwing things, M80's,
19 they were throwing them. They started exploding by my feet and
20 by my head. They started throwing more. And then they tried
21 to go around the barrier and through the sides of the park to
22 where the speakers were.

23 Q Did any of the Antifa people make it to the other side
24 where the speakers were?

25 A Some of them tried and what ended up happening was a lot

1 of the speakers -- or not the actual speakers but the
2 attendees, some of the attendees were pushing them out onto the
3 street.

4 Q Did you see a point where basically most of the people
5 ended up in the streets and out of the park?

6 A Yes.

7 Q Were you part of that group that left the park?

8 A I tried to stay as near to the stage as possible.

9 Q And why was that?

10 A To help the attendees that were getting hurt.

11 Q So there were attendees being hurt.

12 A Yes.

13 Q People that were there to attend the free speech rally.

14 A Yes.

15 Q Were any of those Antifa members or were there -- were the
16 victims associated with your group?

17 A All of the victims were the attendees that were there for
18 the event.

19 Q And when you say that, --

20 A For the rally.

21 Q -- because the Government has a different perspective on
22 what attendees are, when you say "attendees," are you talking
23 about Antifa protestors or are you talking about people that
24 were there to support the free speech movement.

25 A People that were there to support the free speech movement

1 were the ones that were getting hurt.

2 Q And what kind of injuries did you witness?

3 A People had gashes on their faces. A lot of pepper sprays,
4 a lot of people, like older people, younger people, they
5 couldn't walk, couldn't see. We had to drag them behind the
6 stage because that was the only safe area. Some of the people,
7 some of the attendees, if they tried to push Antifa away, were
8 getting dragged out into the street into the crowd of Antifa to
9 get beat up and thrown back. So it was pretty scary, it was
10 pretty hectic.

11 Q How much contact did you have with Aaron Eason that day?

12 A I tried to keep in contact with him as much as possible.
13 Like I kept -- you know, if I saw someone that knew him or if I
14 saw him, I just made sure he was okay. So as much as possible
15 to make sure he was okay.

16 Q Did you have any belief that Mr. Eason was actually part
17 of some kind of White supremacist group when he came to assist
18 you that day?

19 A Not at all.

20 Q Now, the Government is -- has screenshots of Mr. Eason
21 engaging in a fight; you're aware of that, right?

22 A Correct.

23 Q You never witnessed Mr. Eason in actual physical
24 altercations, though, right?

25 A Never.

1 Q As far as the color of the shirts, was there an agreement
2 as to what color Mr. Eason would wear or what color you would
3 wear while you were there?

4 A We were all to wear light gray.

5 Q And the reason was what?

6 A To be able to distinguish ourselves in case we got lost in
7 the chaos.

8 Q Right. And of course Antifa was mostly in black.

9 A They were all in black so we wanted to make sure that we
10 were able to distinguish ourselves from them.

11 Q Now, some of these individuals on your side were also
12 wearing masks; you recall that?

13 A Yes.

14 Q And did you know those people?

15 A No. Not personally.

16 Q Not personally. Did you know whether they were affiliated
17 with Mr. Eason in any kind of organizations?

18 A No.

19 Q Now, you got to know Aaron Eason pretty well, correct?

20 A Correct.

21 Q And you saw him outside of these rallies, didn't you?

22 A Correct.

23 Q How many times do you think you saw Mr. Eason outside of
24 these political events?

25 A Maybe ten times.

1 Q And in the ten times that you saw Mr. Eason outside of
2 these political events, were you able to gauge in your mind
3 whether Mr. Eason was a responsible individual will actually
4 show up for court if he were asked to do so?

5 A Absolutely.

6 Q Was Mr. Eason working or was he engaged in any other
7 activities that you knew of at the time?

8 A Every time I would ask Aaron what he was doing, he was
9 either working, looking for work, or he was spending time with
10 his daughter.

11 Q Did you ever see anything regarding Mr. Eason that would
12 make you believe that he was dangerous?

13 A Not at all.

14 Q So you wouldn't think that he's a threat to the community
15 if he were to be released.

16 A Oh, no, not at all. He's too responsible.

17 Q Did anyone on your side of the mesh at any of the events
18 you were involved with or -- I mean on your side of the mesh or
19 involved with your groups at either San Diego or in Berkeley,
20 did any of them ever possess weapons that you saw?

21 A Never.

22 Q There were allegations that Mr. Eason actually wore a
23 mask; did you ever see Mr. Eason with a mask?

24 A Never. Everyone knew not to wear masks because, you know,
25 we had nothing to hide.

1 Q And did you ever see Mr. Eason put tape on his hands?

2 A Never.

3 Q And did you ever see Mr. Eason hold sticks or talk about
4 sticks or anything like that?

5 A Never.

6 Q In fact, the whole idea of Mr. Eason's presence was just
7 to protect the people that were speaking, correct?

8 A Absolutely.

9 MR. McNICHOLAS: Thank you, I have nothing further.

10 THE COURT: All right, thank you very much. Cross
11 examination?

12 MR. RYAN: Thank you.

13 (Mr. Ryan/Mr. Speaker confer)

14 MR. RYAN: Your Honor, may I approach with the
15 exhibit binder?

16 THE COURT: Yes, yes.

17 (Pause)

18 MR. RYAN: Good afternoon, Ms. Welsh (sic).

19 THE WITNESS: Hello.

20 CROSS EXAMINATION

21 BY MR. RYAN:

22 Q In your declaration and I believe just now, you wrote that
23 you were not familiar with RAM, or the "Rise Above Movement" in
24 2017, correct?

25 A Correct.

1 Q You're not a part of the "Rise Above Movement" or RAM?

2 A No.

3 Q You never attended any RAM boxing training sessions or
4 mixed martial arts training sessions.

5 A No.

6 Q Did you -- you didn't communicate with RAM leaders Ben
7 Daily or Robert Rundo about who was involved in RAM.

8 A Not at all.

9 Q Or about what RAM's goals were or ideology.

10 A No.

11 Q If you can, take a look in the binder in front of you in
12 Exhibit 4, it's one of the last tabs there. It has three
13 pages. If you can look at Exhibit 1, do you recognize anyone
14 in that photograph?

15 A Okay, yes.

16 Q Who do you recognize?

17 A That is Aaron.

18 Q Is that the Defendant, Mr. Eason, inside of the red circle
19 there?

20 A Yes.

21 Q Do you recognize anyone else in that photograph?

22 A No. I can't really tell.

23 Q Okay, if you can turn to page two, please; do you
24 recognize anyone in that photograph?

25 A I'm assuming that's another picture of Aaron.

1 Q Do you recognize anyone else in the photograph?

2 A No.

3 Q And then if you can turn to page three, do you recognize
4 anyone in that photograph?

5 A Aaron and Ben Daily.

6 Q Is that Ben Daily with the sunglasses in the front middle
7 standing up?

8 A Yes.

9 Q How do you know Ben Daily?

10 A He attended my "March For Trump" rally.

11 Q In San Diego?

12 A Correct.

13 Q Did you ever see Mr. Daily after that event?

14 A Yes.

15 Q Where did you see him?

16 A At the Berkeley --

17 Q Event?

18 A Yes.

19 Q Did you ever see Mr. Daily on any other occasions?

20 A Yes.

21 Q What occasions are those?

22 A He -- a few months ago he paid me some cash because he
23 felt bad about me not getting reimbursed for the Berkeley
24 event.

25 Q Did you ever talk with Mr. Daily about the "Rise Above

1 Movement?"

2 A Not -- I wasn't aware about the "Rise Above Movement." I
3 knew that he had a group of friends that, you know, he hung out
4 with. But I wasn't aware that he had a movement.

5 Q Okay.

6 A I just, you know, I knew he had a group of friends that,
7 you know, he went to AA meetings with.

8 Q Okay. And you testified that you asked Mr. Eason to go to
9 Berkeley, and in your declaration you wrote you asked him to go
10 there and to "invite friends to assist in protecting speakers
11 and innocent bystanders from violent attacks." Do you recall
12 that?

13 A Correct.

14 Q Did you know that Mr. Eason was inviting people associated
15 with the "Rise Above Movement" to the event?

16 A No.

17 Q You said that at the event, everyone knew -- I believe
18 your testimony was everyone knew not to wear masks.

19 A Correct.

20 Q Did you see the people standing around Mr. Eason at the
21 event wearing masks with skeleton or skull designs on their
22 faces?

23 A I did see a few people. I did see a couple people wearing
24 masks.

25 Q Yes. One of them was Mr. Daily. Or if you know.

1 A When I saw him at the event, I didn't see him wearing a
2 mask.

3 Q Okay. You didn't follow RAM social media accounts or
4 Twitter or Instagram.

5 A No.

6 Q You didn't see RAM describe itself on Twitter as: "The
7 only alt-right crew that actually beats Antifa senseless and
8 wins rallies."

9 A No. I've never seen that.

10 Q If you can look at page four, there's a tab called
11 "complaint." It's towards the front of the binder. If you
12 can, look at page four. Just let me know when you're there.

13 A Okay. Okay, I'm there.

14 Q You don't recall ever seeing these posts on any social
15 media accounts.

16 A On page four?

17 Q Page four of the complaint which should be the first tab,
18 the two pictures at the bottom, one of which says: "White
19 unity" and the other says: "R-A-M" with people with the skull
20 masks.

21 A No, I've never seen this and I've never seen these
22 pictures before.

23 Q And so you didn't know that Ben Daily's group was a group
24 that promoted White unity.

25 A Correct.

1 Q You never saw Ben Daily or Mr. Eason or the friends that
2 he went to Berkeley or San Diego with, you never saw them with
3 tattoos or sculptures or social media posts promoting Adolph
4 Hitler or Nazi ideology.

5 A I've never seen that.

6 Q And you were not at the Huntington Beach event on March
7 25th, 2017, correct?

8 A Correct.

9 Q You were not at this -- in an event in San Bernardino on
10 June 10, 2017.

11 A Correct.

12 Q At Huntington Beach, you didn't see Mr. Eason and several
13 others pursue or assault protestors.

14 A Not at all.

15 Q And at San Bernardino, you didn't see Mr. Eason and
16 several others chase protestors and smash their car windows.

17 A No.

18 Q And regarding Berkeley, before Berkeley, did you know that
19 Mr. Eason -- whether he was organizing hand-to-hand and
20 formation fighting training with RAM members?

21 A No.

22 Q And at the Berkeley event, when you were there, you didn't
23 see Mr. Eason assault anyone.

24 A Not at all.

25 Q You didn't see the friends that Mr. Eason came with

1 assault anyone.

2 A No.

3 Q If you can, please look at Exhibit 1, pages five and six.

4 Is it correct that you didn't see this incident when it
5 happened?

6 A I just saw this picture today.

7 Q Okay.

8 A During this event, like when this was actually happening,
9 I wasn't in the area.

10 Q Okay. If you can, look at Exhibit 2, pages one and two,
11 and focusing on the portion inside the red circle there, did
12 you see that incident when it happened?

13 **MR. McNICHOLAS:** Objection, asked and answered.

14 **THE COURT:** Overruled.

15 A I don't remember. I don't think so.

16 Q Okay.

17 **THE COURT:** Which -- are you on Exhibit 2, Mr. Ryan?

18 **MR. RYAN:** Exhibit 2, pages one and two.

19 A No.

20 Q Okay. And if you can return to Exhibit 1, page one, is it
21 correct that this depicts the orange barrier that you were
22 testifying about earlier?

23 A Yes.

24 Q And your group would be on the left side of this picture.

25 A Yes.

1 Q And if you can, turn to page two; do you recognize the
2 individual there inside the red circle?

3 A Yes.

4 Q Who is that?

5 A That's Aaron Eason.

6 (Pause)

7 MR. RYAN: One moment.

8 Q If you can, turn to the indictment tab, page 11. It's the
9 second tab. You'll see at the bottom, overt act number 47. It
10 continues on to page 12.

11 A Okay.

12 Q Where it says: "Maybe if there is enough time, could
13 mention Berkeley, how we were the first guys to jump over the
14 barrier and engage and how that had a huge impact." Did you
15 see that the men with the skull masks and Mr. Eason were the
16 "first guys to jump over the barrier and engage and how that
17 had a huge impact?"

18 A I'm not sure who was the first to run over the barrier.
19 All I know is that there was an altercation, there was a fight.
20 I saw people on the ground. And that's when people all started
21 rushing in over the barrier to fight.

22 Q And that fight that you saw, was that on your side of the
23 orange barrier or on the other side of the orange barrier?

24 A It started on our side and then it moved over to the
25 Antifa side.

1 Q Okay. At the event in San Diego or Berkeley, did you see
2 Mr. Eason and the people he was with gathered around a sign
3 that said: "Da Goyim Know?"

4 A At the San Diego --

5 **MR. McNICHOLAS:** Your Honor, I'm going to object.
6 The crime charged here is inciting a riot. This is totally
7 irrelevant.

8 **THE COURT:** Overruled. You may proceed.

9 **MR. RYAN:** Would you like me to repeat the question?

10 A In San Diego?

11 Q In San Diego or in Berkeley.

12 A No.

13 Q In neither event.

14 A I think I saw -- no, I don't remember seeing any of those
15 signs at those events.

16 Q Did you ever hear Mr. Eason or the people he was with use
17 the phrase, "Da Goyim Know?"

18 A No.

19 **MR. McNICHOLAS:** Objection, Your Honor, irrelevant.
20 I don't think there was any allegation regarding anti-Jewish
21 bias at these rallies.

22 **THE COURT:** All right, you can answer with respect to
23 Mr. Eason, and I think the answer was "no."

24 //

25 //

1 **BY MR. RYAN:**

2 Q Did you ever hear Mr. Eason or his -- or the friends that
3 he invited to Berkeley refer to the event as a "total Aryan
4 victory?"

5 A No.

6 Q Did you ever hear them refer to RAM and their -- the goals
7 of RAM as White nationals?

8 **MR. McNICHOLAS:** Your Honor, I'm going to object
9 again --

10 A No.

11 **MR. McNICHOLAS:** -- because he keeps referring to
12 "them." And I believe this is Aaron Eason's hearing and not
13 Mr. Rundo's hearing or anybody else's hearing. It's
14 Mr. Eason's hearing.

15 **THE COURT:** All right, if you could, rephrase. I'm
16 going to sustain the objection.

17 **BY MR. RYAN:**

18 Q So, did you ever hear Mr. Eason refer to white
19 nationalism, refer to RAM, as white nationalist?

20 A No.

21 Q If you can look at Exhibit 5, page 1 --

22 **MR. McNICHOLAS:** Your Honor, again, I'm going to
23 object to this line of questioning. It's irrelevant. Whether
24 Mr. Eason is anti-Semitic has nothing to do with whether he's a
25 danger to the community or is a flight risk. And we're going

1 way off with this line of questioning.

2 **THE COURT:** I guess my first comment is, my binder
3 doesn't have Exhibit 5.

4 **MR. RYAN:** All right. It should have a tab that says
5 Exhibit 5, and that --

6 **THE COURT:** Oh, it does --

7 **MR. RYAN:** -- okay.

8 **THE COURT:** -- but there's nothing behind it.

9 **MR. RYAN:** Is the cover sheet?

10 **THE COURT:** So --

11 **MR. RYAN:** Well, why don't you take my binder?

12 **THE COURT:** -- I wonder if that's --

13 **MR. RYAN:** Take my binder, there.

14 **MR. PENCE:** Your Honor, may we approach with a new
15 binder for?

16 **THE COURT:** Thank you. Maybe, okay, all right.

17 **MR. RYAN:** I'm happy to address the objection if Your
18 Honor would like.

19 **THE COURT:** I do, I'm inclined to sustain it because
20 I don't see how this goes to the issue of danger or what's been
21 charged.

22 **MR. RYAN:** Certainly, Your Honor. So, as the court
23 previously ordered defendant detained, primarily due to danger
24 to the community. As the court noted, the allegations set
25 forth, the defendant's association with an extremist, white

1 supremacist organization that violently attacked people. And
2 then used footage of those attacks along with repeatedly
3 racist, anti-Semitic, and Neo-Nazi messages to recruit more
4 members. I think, at that detention hearing as well as for the
5 other defendants in the case, and in the complaint and the
6 indictment, the ideology of the organization is relevant both
7 to the underlying charges, but also with respect to danger.
8 Because the allegations are not that these were random acts of
9 violence people happened to get into a fight, but that this was
10 an organization, a conspiracy, it's charged a conspiracy, that
11 this was an organization that existed to further its white
12 supremacy, extremist ideology.

13 And so, that makes its activities and its members
14 more dangerous than those who might have on one occasion or
15 another happen to get into a fight. The white supremacist
16 nature of the organization is set forth in numerous of the
17 overt acts, numerous paragraphs of the complaint. It was the
18 organizing principle for the organization.

19 **THE COURT:** I guess --

20 **MR. McNICHOLAS:** And Your Honor, it's a 411 argument
21 as well. If in fact, the government insists on attacking
22 individuals for their viewpoint, perhaps they should go after a
23 white supremacist organization in a RICO prosecution, but not
24 in this case. Because they're using prejudice to keep these
25 individuals tied up in court on a very minor charge compared to

1 what we normally see in federal court, where they're looking at
2 maybe a year in jail if they're convicted. Yet, we have this
3 huge attempt to inflame the court by throwing things in here
4 that are completely irrelevant to what they're charged with.

5 **THE COURT:** Mr. Ryan, I guess my concern with this
6 line of questioning though, is that Ms. Welsh, Welch excuse me,
7 has already said that she doesn't testify that she was not
8 familiar with Mr. Eason's association with RAM or any other
9 organization. So, unless you think, have reason to think that
10 she's going to say, yes, she has seen or discussed, somehow has
11 personal knowledge with respect to Exhibit 5 --

12 **MR. RYAN:** My anticipation would be that she had not
13 based on her prior testimony, and that's what I wanted to
14 confirm. But, happy to move on, Your Honor, if you'd prefer.

15 **THE COURT:** Okay. Thank you.

16 **MR. RYAN:** Okay.

17 **THE COURT:** So, I'll go ahead and sustain the
18 objection.

19 **(Pause)**

20 **MR. RYAN:** No further questions, Your Honor. Thank
21 you very much.

22 **THE COURT:** Okay. Any re-direct, Mr. McNicholas.

23 **MR. McNICHOLAS:** No, Your Honor.

24 **THE COURT:** All right. I just have a couple of
25 questions, Ms. Welch. How long have you known Mr. Eason?

1 **THE WITNESS:** Since the 2017 march. March 4th.

2 **THE COURT:** That's the San Diego?

3 **THE WITNESS:** Yes.

4 **THE COURT:** Okay.

5 **THE WITNESS:** Yes, Your Honor.

6 **THE COURT:** And how would you describe your
7 relationship with Mr. Eason?

8 **THE WITNESS:** We're friendly. He was very smart,
9 intelligent, and he helped me with coming up with ideas and
10 gathering people to support the Berkeley event.

11 **THE COURT:** Okay. And, you mentioned that, for as
12 part of the San Diego event, is it you were one of the
13 organizers or an, the organizer?

14 **THE WITNESS:** Yes.

15 **THE COURT:** Okay.

16 **THE WITNESS:** The, the March for Trump started, I
17 think, the first march was going to be in D.C. or something.
18 And, what ended up happening, a lot of other states wanted to
19 hold their own march, a lot of other towns. And so, people
20 elected to hold their own. I inquired about the San Diego, if
21 there was going to be one in California.

22 **THE COURT:** Uh-huh.

23 **THE WITNESS:** I heard there was one happening in
24 Berkeley, and I decided that was too far. And, someone reached
25 out to me and said that there's no one organizing one for San

1 Diego, that if I wanted to, I could organize that one.

2 **THE COURT:** Okay.

3 **THE WITNESS:** For the location.

4 **THE COURT:** And you were asked questions by
5 Mr. McNicholas about, or said something to the effect of, it
6 was a peaceful march. And you mentioned that you had
7 coordinated with law enforcement, and perhaps the FBI --

8 **THE WITNESS:** Correct.

9 **THE COURT:** -- to ensure that, is that? With respect
10 -- and then you were later asked to help in some capacity with
11 Berkeley?

12 **THE WITNESS:** Uh-huh.

13 **THE COURT:** Did you undertake, was there similar
14 efforts with respect to outreach to law enforcement?

15 **THE WITNESS:** For Berkeley --

16 **THE COURT:** Yes.

17 **THE WITNESS:** -- no. The main organizer, Rich Black,
18 who organized with David Fatta (Phonetic), they said they had
19 it under control and they already had permits and Berkeley
20 Police. They quoted, Berkeley Police is all over it. That
21 they're going to be there to protect, and it's not going to be
22 anything like the first event that happened at Berkeley. And
23 so, I was like, okay. But they did ask if I could bring more
24 supporters in. Just to help with protecting the attendees.

25 **THE COURT:** Okay. So, supporters, okay.

1 **THE WITNESS:** Uh-huh.

2 **THE COURT:** And then, last question I think, so you
3 were shown pictures where it appears that Mr. Eason is, has
4 some physical contact with other individuals. I just wanted to
5 clarify, is it your testimony that you weren't there at that
6 moment? That you weren't around Mr. Eason when that, when
7 those events unfolded.

8 **THE WITNESS:** Yeah. I was near the area, by you
9 know, of being shorter than a lot of the people I was kind of
10 far enough to where I wouldn't get hurt. Because there were
11 firecrackers and M-80s going off at the same time.

12 **THE COURT:** Okay. So, you didn't, I guess what I'm
13 trying to get at is, were you there as Mr. Eason had this
14 contact that we see depicted in the pictures? You weren't?
15 Okay. All right.

16 I don't have anything else. Mr. McNicholas, do you
17 want to ask anything in follow up to what I asked?

18 **MR. McNICHOLAS:** No, Your Honor.

19 **THE COURT:** Oh, okay. All right, Mr. Ryan?

20 **MR. RYAN:** No, Your Honor. Thank you.

21 **THE COURT:** Okay. Thank you so much, Ms. Welch, for
22 coming down.

23 **THE WITNESS:** Okay, thank you. Thank you, Your
24 Honor.

25 **THE COURT:** Thank you.

1 **(Witness steps down)**

2 **THE COURT:** Okay. Anything else Mr. McNicholas,
3 before we turn to argument?

4 **MR. McNICHOLAS:** No, Your Honor. I'm ready to argue.

5 **THE COURT:** Okay. All right. And I, the government,
6 nothing from the government?

7 **MR. RYAN:** No, Your Honor.

8 **THE COURT:** Okay. Then Mr. McNicholas, why don't you
9 begin please.

10 **MR. McNICHOLAS:** Your Honor, and I'm trying to stress
11 the least significant aspect of this hearing, is the facts of
12 the case. However, even the government's exhibits where they
13 show Aaron Eason squaring off in kind of a fight stance,
14 there's about fifty black clad individuals running towards him
15 in that photograph. One against fifty. He's wearing a light
16 colored shirt, so he can be noticed because he thinks he's on
17 the good side. He's actually there to defend, not to attack.

18 It's also important, the government showed the stills
19 of Aaron Eason with his arms swinging in a punch, but the
20 government did not show the full picture. The government is
21 hiding the truth, which is shown in our Exhibit 13, starting
22 with 13A, the first page. That kid comes right at him,
23 swinging at Aaron. Aaron Eason is not punching him. He's
24 holding his arm up to block the guy's punch. Then, on the
25 second page, the individual's actually tackling Aaron Eason.

1 Okay? So he's got, he's being tackled. They go all the way to
2 the ground, and it's not until the ground, the guy's still
3 holding onto Aaron Eason's legs. And Aaron Eason's surrounded
4 by a hundred people in black garb with masks on, and this guy's
5 got him by the legs. He's doing whatever he can to free
6 himself. That's what he is doing in that video. He's not
7 doing anything else. Once he's free, he stands up, he stand
8 guard, and he goes back to his station. The government wants
9 you to believe something totally different than what actually
10 occurred.

11 So, with that in mind, Your Honor, that's what Aaron
12 Eason did. Aaron Eason went to a couple training sessions, he
13 did have some dealings with some of these people that were
14 there. He was never, and the government can't prove this, he
15 was never associated with the Rise Above Movement. They have
16 no evidence, except for him showing up and going to a boxing,
17 training, in the park, in a public location which almost
18 everybody in this courtroom probably has done at one point in
19 their lives, at least recently. Because it's very popular
20 nowadays to do kickboxing, sparring, martial arts, and all that
21 sort of thing, especially with the millennial crowd.

22 So, there's no doubt he was there, there's no doubt
23 that he trained, but this whole thing about going to that extra
24 step, the government has the evidence. The evidence that I've
25 seen in this case has video, and Aaron Eason's not part of any

1 of the Rise Above Movement video in any way, shape, or form,
2 because he's not part of that group.

3 For the court's just education, I do intend to
4 request severance, because Mr. Eason's not affiliated with that
5 group. I also intend to file a motion to dismiss, because I
6 believe that the government has misrepresented the facts to the
7 grand jury in getting this indictment. Because, virtually
8 every word of the first ten paragraphs of the indictment is
9 false. So, we will be attacking that.

10 But, just going to the, assuming, assuming he was
11 there to fight people that one day, he has a lifetime of no
12 crime. A lifetime of no violence. There's a woman who stood
13 up here and said, that's not her experience with Aaron Eason,
14 is he's not a danger. Her experience with Aaron Eason, he's
15 not a flight risk. We have his father and his sister here in
16 the courtroom, and his brother, people that know him the best
17 are willing to put their lives on the line in order to sign for
18 Mr. Eason and put up a bond in order, because they believe he's
19 not a flight risk. They believe he's going to come to court
20 and they believe he's not going to threaten anybody. Mr. Eason
21 has zero ties with any white nationalist groups.

22 And once again, I want to go back to Mr. Laube.
23 Mr. Laube plead guilty. He's guideline a level, which if
24 Mr. Eason had the same plea agreement, it would be nine to
25 thirteen months imprisonment for that charge. Nine to thirteen

1 months.

2 I also worked on the ICDA Panel in L.A. Superior
3 Court, and I don't know if the court is aware, but just
4 recently there's been a massive bail reform to make the state
5 system more like the federal system, in that people are
6 basically being held to a bail schedule that was impossible and
7 did not fit the crimes. And defendants in L.A. Superior Court
8 were being forced to enter guilty pleas simply because by the
9 time their cases got to trial, they were long past time served,
10 and the only reason why they plead guilty, was so they would get
11 out of jail. And this is looking like this would be one of
12 those situations, Your Honor. And it shouldn't be that way.
13 There is not enough at stake, regarding the current charges
14 that Mr. Eason would have any interest at all not to come to
15 court and if convicted, to serve his sentence accordingly. So,
16 I wanted to make that point as well.

17 Again, the facts speak for themselves. The
18 aggregating factors, he was filmed in a physical altercation,
19 he had bright colors, he went to a few training sessions. The
20 points in mitigation, no weapons, no tape, no masks, no
21 membership in RAM. The facts actually show, that I presented
22 to the court, clearly show self-defense and not an attack. No
23 record, a lifetime in the Central District of California, and
24 also, racial diversity of the group. Just to contradict
25 everything that the government claims about Mr. Eason's

1 involvement, his group had the racially diverse side. The
2 other side, you couldn't tell because they all looked like they
3 were all wearing black.

4 The condition, or combination of conditions, could
5 easily be fashioned, Your Honor. I do believe if there's any
6 concern, it could be met with a GPS ankle monitoring device.
7 Mr. Eason could be required to work, he could be required to
8 attend anger management, he could be required to stay away from
9 anybody associated with this case. It could be done extremely
10 easy, Your Honor. He lives far enough from everybody else, I
11 mean, as you know well most of the people involved are in jail.
12 But, from my recollection, most of these people that were
13 allegedly associated with this group lived either in South Bay,
14 Redondo Beach area, some lived down in southern Orange County.
15 Mr. Eason lives in east, in the east part of the valley near
16 Palm Springs. So, that's how far away he is. So, they live on
17 a ranch up in the hills there, and they have no, they have no
18 interaction with most of society.

19 **THE COURT:** So, Mr. McNicholas, before I turned to
20 the government, I'm thinking back to the first detention
21 hearing. I did spend a lot of time looking at the text
22 messages, I think they're all text messages, maybe they're
23 emails. And so I came, I come back to those again, both in the
24 complaint, and then ones that are in the indictment. And I
25 appreciate the point you're making. It sounds like among

1 others, that there's no video or other documentary evidence to
2 affirmatively show Mr. Eason's membership in this organization,
3 RAM.

4 But, I look at the text messages, which show, it
5 appears communication among some of the charged individuals.
6 But, then there are these other individuals not identified, the
7 co-conspirators numbers 1 and 2. And then I look at just the
8 language, the content of the messages. Which seem to
9 contradict, or I think in parts do contradict, the averment of
10 no knowledge about what was afoot. So, I, I'm not sure there
11 is any additional response. But I just, I do always like to
12 let the attorneys know where I'm focused.

13 **MR. McNICHOLAS:** And, Your Honor, I believe I gave a
14 response, and I mentioned trees. That actually was a
15 legitimate response, when you talked Mr. Eason being more
16 politically engaged or politically active. And I think that's
17 the text you're referring to.

18 **THE COURT:** Right. He wanted to go hard, he'd taken
19 some --

20 **MR. McNICHOLAS:** Right. Hard and in community
21 involvement, and political involvement, it's not all about
22 beating people up, Your Honor. It's about doing good for the
23 community. Mr. Eason was telling them about different
24 community service projects that he wanted to work on, like
25 beautification of his neighborhood. And that actually came up

1 in one of the letters as well, Your Honor. That he was
2 involved in that.

3 **THE COURT:** -- right. No, I remember that.

4 **MR. McNICHOLAS:** There are other ways, there are
5 other ways to be involved. However, even assuming, assuming
6 that these guys, the evidence speaks for itself. The video
7 speaks for itself. There were not going to be fights without
8 innocent people being attacked. And the innocent people were
9 on Mr. Eason's side of the mesh. But, you know, worst case
10 scenario, even if Mr. Eason had this day of violence, even if
11 he was violent for that one day, does that warrant keeping him
12 imprisoned pending his trial?

13 We have cases here in front of the court where
14 individuals, drug dealers, people with weapons, are released
15 based on signature bonds. Mr. Eason has a lifetime of no
16 criminal activity, yet here he sits here in custody because of
17 this very short period in his life. And it's completely
18 unreasonable, Your Honor.

19 **THE COURT:** Well, I think the, I do find -- you know
20 I appreciate that you're relaying the information as you, as
21 it's been described. But, the explanation about the trees, at
22 the time I was, I found difficult to credit. I, and now
23 looking at the indictment, which I think was returned after was
24 returned.

25 **MR. McNICHOLAS:** The indictment was actually issued

1 prior, just like the day before the detention hearing. We
2 didn't have an opportunity --

3 **THE COURT:** Oh, okay.

4 **MR. McNICHOLAS:** -- to review it fully.

5 **THE COURT:** Okay.

6 **MR. McNICHOLAS:** I have reviewed it since --

7 **THE COURT:** Okay.

8 **MR. McNICHOLAS:** -- and I still, I challenge
9 virtually every word.

10 **THE COURT:** Well --

11 **MR. McNICHOLAS:** Prior to the overt acts.

12 **THE COURT:** -- well, I guess so that was then, I did
13 not similarly digest it. I had not focused on another text
14 message sent to an unidentified individual by Mr. Easton that
15 talks about -- I guess I'm not sure about the timing of it. It
16 appears to be after Berkeley.

17 **MR. McNICHOLAS:** Is it an overt act, Your Honor?

18 **THE COURT:** It is. It's overt act number 23.

19 Because, my understanding, my notes said that the Berkeley
20 event was in mid-April. And so this is in a text message sent
21 after that.

22 **MR. McNICHOLAS:** It was sent the following, five days
23 later.

24 **THE COURT:** Five days later. And so, I don't know
25 what it's in reference to.

1 **MR. McNICHOLAS:** Oh.

2 **THE COURT:** Again, it talks about Berkeley.

3 **MR. McNICHOLAS:** Yes, Your Honor. And I will tell
4 you exactly what happened. Ann Coulter, I don't know if the
5 court's heard of Ann Coulter, but she's fairly famous
6 conservative journalist. And she's an editorialist, and she's
7 featured on Fox News, and she writes columns in various
8 different publications.

9 She was scheduled to speak in Berkeley right after
10 the event occurred, where the riot occurred. And, there was
11 pressure on her from Berkeley, they actually canceled, or they
12 withdrew her permit so she could not speak. But, the rally
13 organizers were going to go forward with the event anyway
14 without Ann Coulter. Well, Aaron Eason volunteered to go up to
15 that rally and actually film it, videotape it. And, you know,
16 hopefully nothing would occur that day. Apparently, ANTIFA
17 didn't get the memo that the event was still on, and none of
18 them showed up. But Aaron Eason was there. Aaron Eason
19 actually filmed the event. Ann Coulter wasn't there. It was a
20 minor event, but there were speakers, they were there. So
21 that's what that was.

22 **THE COURT:** So, that he was going up there to film
23 it?

24 **MR. McNICHOLAS:** Yeah, and he did. And he, Mr. Eason
25 actually filmed the event and shared the film with a website.

1 **THE COURT:** Okay. All right. Thank you,
2 Mr. McNicholas. I'll hear from the government.

3 **MR. RYAN:** Thank you, Your Honor. So, the court
4 previously ordered the defendant detained, as I said, primarily
5 due to danger to the community. Maybe I'll step over to the --

6 **THE COURT:** I think it was exclusively the danger --

7 **MR. RYAN:** -- okay.

8 **THE COURT:** -- I think it, or it certainly wasn't
9 with respect to flight. I think Mr. McNicholas and I had a
10 robust conversation about that at the time.

11 **MR. RYAN:** Now, we're back again, and what we have
12 new in terms of the facts presented, we have the indictment in
13 addition to the complaint. We have a declaration and testimony
14 which, I think, generally reviewed the declaration from a
15 person who apparently was not at, two of the three events
16 described in the charges. And apparently did not see the
17 relevant assaults discussed in the charges at the Berkeley
18 event. Apparently didn't know anything about the Rise Above
19 Movement, didn't know about the defendant's participation at
20 events arranged by the Rise Above Movement trainings, et cetera

21 That testimony, declaration is essentially though a
22 restatement of the argument that I understand defendant
23 presented before, which is essentially that he didn't do it,
24 that he's not guilty. Of course, a detention hearing is not
25 the forum for a mini trial on the merits, and we do take the

1 allegations, but I'll just make three points about those
2 allegations.

3 Before I do, just to touch on two quick things. The
4 guideline sentence of nine to thirteen months that defense
5 counsel raised, I suspect that's coming from the base offense
6 level that was identified in the plea agreement without any of
7 the enhancements which apply of which, is that not right?

8 **MR. McNICHOLAS:** If I could clarify, it would be the
9 base offense level with acceptance of responsibility, criminal
10 history category one.

11 **MR. RYAN:** Right. So without any of the specific
12 offense characteristics that the government anticipates would
13 apply. So, of course its unsurprising that the argument from
14 the defendant is that he's not guilty.

15 First, the idea that the defendant was not affiliated
16 with RAM. And we've just provided a few excerpts to the court.
17 I hesitate to make this, as I say, a mini trial on the evidence
18 that the government would produce, or would produce at trial.
19 The allegations which are supported by the text messages in the
20 indictment, in the complaint, the excerpts of the photographs
21 that we've provided are that he trained with RAM, helped
22 organize the RAM trainings, traveled to events with RAM locally
23 and in northern California, remained alongside the RAM members
24 at the events, fought alongside RAM at the events.
25 Communicated frequently with RAM leaders in person, on social

1 media, through phone. This is for several months. Several
2 months when RAM was at its peak establishing its reputation, at
3 least four different events for what its Twitter account called
4 quote, the only alt-right crew that actually beats ANTIFA
5 senseless and wins rallies. Or what it's co-founder Ben Daley
6 called quote, the only reason shit was popping off at So-Cal
7 right wing events.

8 This is how RAM presented itself, very openly
9 throughout 2017. And defendant's involvement with that
10 organization is pretty continuous and significant throughout
11 that period of time. That's what's set forth in the
12 allegations, we provided a few snippets of what the evidence
13 would be on that point.

14 Second, the idea, I think at the last hearing, the
15 argument from the defendant was that he was quote, standing
16 nearby as other engaged in violence. That there weren't
17 pictures of him engaging in violence, we've provided those
18 exhibits here. I would note that the statement that the
19 defendant was surrounded when he was engaged in violence at
20 Berkeley by a lot of people in black shirts, is because the
21 defendant and the RAM members that he was with had, as they
22 later said, crossed the barrier to engage and that had a huge
23 impact. Those are not my words, that's Ben Daley's words about
24 what happened. The video does show that, that's why they're
25 surrounded by the other side. They were on the other side.

1 They'd crossed the barrier, and that's when the fights broke
2 out.

3 After that one fight, that's Exhibit 1, I think
4 Counsel made the argument that the defendant went back to the
5 other side. But, of course, there's Exhibit 2, which is
6 another fight on the ANTIFA side of the barrier. That fight
7 lead to the police intervening and arresting Mr. Rundo, one of
8 the RAM members the defendant was fighting alongside throughout
9 the day.

10 Exhibit 3 is after the fights on the grass, when the
11 majority of the protesters, counter-protesters, whatever the
12 terminology, had left the grass and were going down the street.
13 And the defendant, Mr. Daley, and RAM members, and people they
14 had traveled with were pursuing them along the street and
15 engaging in assorted scuffles as that occurred.

16 So, the idea that the defendant was just standing
17 nearby quote unquote, which was their argument before, I think
18 that's just not supported either by the allegations, or again,
19 the little excerpts or snippets that have been presented.

20 And then third and finally, the idea that the
21 defendant didn't associate with RAM's ideology, which is
22 relevant to the finding of danger because part of the danger
23 here is that these were not random events. This was a
24 coordinated effort by a group of people. The effort was as Ben
25 Daley, the founder, put it to quote live the fourteen words.

1 Live the fourteen words was the stated mission, a stated
2 mission, of the organization that the defendant is charged with
3 affiliating with and conspiring with to commit these crimes.

4 So, that's part of the danger. If they were random
5 events, he'd arguably be less dangerous. The social media
6 posts and communications between RAM members, a very few of
7 which are provided in Exhibit 5, highlight that ideology. If
8 the court would like, we can provide many more.

9 These are the gist of the reasons why all eight of
10 the RAM members charged in this case, and the related case in
11 Virginia remain detained pending trial. I believe the
12 defendant should as well, Your Honor. If the court has any
13 further questions, I'm happy to answer them.

14 **THE COURT:** Okay. Thank you. Mr. McNicholas, any
15 response?

16 **MR. McNICHOLAS:** Clearly, the government has a huge
17 burden when this case actually goes to trial. And, it's going
18 to hands full. Because, we just had a witness who totally
19 contradicts every word that the government states as to who
20 instigated the fighting. And, I do think it's quite ridiculous
21 that an individual would be in custody for fist fighting
22 pending trial. Because, that's really what it comes down to.
23 When no weapons, no weapons -- and this group, this RAM group
24 that they condemn, no drugs, no alcohol, pure lifestyles, there
25 you know there's a lot worse. Maybe they don't agree mentally,

1 they don't have the same point of view that's correct for
2 today's society, but these individuals that really thought they
3 were doing the right thing. Aaron Eason wasn't part of RAM.
4 The RAM videos that the government has provided in discovery do
5 not show Aaron Eason. He was never part of the group.

6 When they all showed up with their masks, at
7 Berkeley, Aaron Eason wasn't given a mask. Aaron Eason wasn't
8 given a cape. Aaron Eason wasn't part of their promotions.
9 Aaron Eason's fifteen years older than most of those guys.
10 There's just not a connection.

11 So, we will submit on that.

12 **THE COURT:** Thank you, Mr. McNicholas.

13 **MR. RYAN:** Very briefly, Your Honor --

14 **THE COURT:** Can I, let me just ask a question.

15 **(Pause)**

16 Mr. Ryan, on Exhibit 2, the very last photograph,
17 that would be one, two, three --

18 **MR. RYAN:** -- Your Honor, may I go grab it off the
19 witness stand?

20 **THE COURT:** -- five --

21 **MR. RYAN:** I think we gave the court our binder.

22 **THE COURT:** -- no, let me. I'll hand that. I
23 apologize, let me hand, okay. Do you have an extra copy? It
24 wasn't touched upon, I don't, I just don't understand what that
25 is.

1 **MR. RYAN:** I'm sorry, which page?

2 **THE COURT:** So, it's the very last page of Exhibit 2.

3 **MR. RYAN:** Oh, so in the altercation that's shown on
4 the previous two pages, the RAM guys in the masks, that's Ben
5 Daley there in the blond, and Michael Miselis there, or Robert
6 Boman there next to him, ripped this banner away from a group
7 of other protesters. And this is a photograph of them
8 celebrating that, and it's Mr. Eason there next to them.

9 Mr. Eason drove this group in a van, that's set forth
10 in the indictment that he rented and then traveled to the event
11 with them. And then, it's just one example along with the
12 others of him being with the group throughout the, going to the
13 event, fighting at the event, leaving the event, training for
14 the event, organizing the next event, et cetera.

15 **THE COURT:** Okay. All right, thank you. And I
16 interrupted you Mr. Ryan. You wanted to make one point.

17 **MR. RYAN:** No, that was the point I was going to
18 make. So, that's enough.

19 **THE COURT:** All right. Mr. McNicholas, what I'm
20 going to do as I go through this, I think procedurally I need
21 to anchor whatever I say to your bail review filing. And one
22 of the points that you raise in seeking reconsideration from
23 the District Judge is that I failed to consider the delay and
24 the self-surrender. And I apologize if I made an imperfect or
25 inaccurate record, but I don't, that did not factor in to my

1 consideration.

2 And I similarly thought that I had been clear that
3 the detention order was with respect to danger and not with
4 respect to flight. Because, at the original hearing you had
5 proffered significant sureties. There was the lack of criminal
6 history as well as the fact of the self-surrender. So, I'll
7 just state clearly, in my mind the time between the notice that
8 Mr. Eason purportedly received the warrant for his arrest, and
9 the ultimate self-surrender did not make an impact on my
10 decision.

11 With respect to, at the time of the detention hearing
12 you had not had an opportunity to obtain more information from
13 organizers of perhaps another event. I don't know if you meant
14 the Berkeley event, I assume based on what you presented today
15 that you mean, for example, Ms. Welsh, and being able to obtain
16 her testimony. And that this information, her testimony
17 combined with videos of the event supports your argument that
18 Mr. Eason is not a danger.

19 So, I'll begin first with Ms. Welsh, who I thought
20 was a credible witness who testified to what she knows and
21 appeared to be truthful about that. One thing though that
22 stood out, and I asked a follow up question about the extent of
23 her relationship in terms of how much she knows Mr. Easton,
24 because I think that goes, or informs my evaluation of how well
25 she knows Mr. Eason as a person and as an individual. And it

1 sounds like it's their friendly, I think is the word that she
2 used. And it was clear to me that when shown exhibits,
3 photographs of Mr. Eason in other situations, even at the
4 Berkeley event, that she testified that she had no familiarity
5 and indeed with respect to what happened at Berkeley, that she
6 was not within the immediate vicinity, and therefore was not a
7 percipient witness. I think that's a fair characterization of
8 what happened at Berkeley. And similarly was unaware of
9 Mr. Eason's participation at these training events.

10 And I think, without getting into how you would
11 characterize that, if that was a RAM organized event, or an
12 event for RAM members, she simply just doesn't know anything
13 about it. And so, I think that limits her knowledge as to
14 whether or not Mr. Eason is a danger to the community.

15 When we were together at the first detention hearing,
16 my recollection is that the allegations in the complaint were
17 limited with respect to whether or not Mr. Eason had engaged in
18 any physical contact or assaults. I think there was a
19 generalized reference, but I thought it was, there wasn't that
20 much there. Since then, what I have confirmed in front of me
21 is that Mr. Eason did engage physically with other individuals
22 who were present at the Berkeley event. I appreciate your
23 characterization, or your description Mr. McNicholas, that this
24 was perhaps self-defense or defense of others. But, at least
25 in looking at the stills of the video, he did engage in

1 physical contact with at least one, potentially two,
2 individuals at the Berkeley event. So, again, I think that
3 that goes to what you stated in your bail review as bases, some
4 of the bases for why the court should consider, or reconsider,
5 its previous detention order.

6 So, I just wanted to address what I see as the new
7 information that's presented to the court. Is there anything
8 else that you think is newly presented to the court that I
9 should address for purposes of the record, Mr. McNicholas?

10 **MR. McNICHOLAS:** No, Your Honor.

11 **THE COURT:** Okay. All right. Then based on all of
12 that, I'm going to deny the, Mr. Eason's request for
13 reconsideration of bail. Mr. Eason, so I'm essentially denying
14 your attorney's request. It's up to you and your attorney
15 whether or not you now want to take this before the District
16 Judge, who is the Judge who is presiding and will handle your
17 case. The substance of the case going forward.

18 Anything else for today, Mr. McNicholas?

19 **MR. McNICHOLAS:** No, Your Honor.

20 **THE COURT:** All right. From the government?

21 **MR. RYAN:** No, Your Honor.

22 **THE COURT:** Okay. Thank you.

23 **(Proceeding adjourned at 2:25 p.m.)**

24

25

CERTIFICATION

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.

A handwritten signature in black ink, appearing to read "Toni Hudson", is written over a horizontal line.

December 13, 2018

TONI HUDSON, TRANSCRIBER

EXHIBIT 23

Thread

(1424462514306277)

Current 2018-07-05 20:42:11 UTC**Participants** Brittney Dillinger ([REDACTED])

Rob Bie ([REDACTED])

Ben Daley ([REDACTED])

Author Rob Bie ([REDACTED])**Sent** 2017-04-30 03:04:22 UTC**Body****Share** **Date Created** 2017-04-30 03:04:22 UTC**Link** <https://www.facebook.com/robedkuchbom1/posts/255803558221006>**Text****Url****Author** Brittney Dillinger ([REDACTED])**Sent** 2017-04-29 06:05:29 UTC**Body** It's an opportunity for you guys to recruit**Author** Brittney Dillinger ([REDACTED])**Sent** 2017-04-29 06:00:47 UTC**Body** I'm going to be helping Brian with organizing**Author** Brittney Dillinger ([REDACTED])**Sent** 2017-04-29 06:00:20 UTC**Body****Share** **Date Created** 2017-04-29 06:00:19 UTC**Link** <https://www.facebook.com/brittney.welch.564/posts/10211246181184115>**Text****Title** SoCAL Patriots BBQ and Meet and Greet - HB State Beach**Url** /events/219007178584489/**Thread** (1461340067214045)**Current** 2018-07-05 20:42:11 UTC**Participants**

Rob Bie (100013740917908)

Author [REDACTED]**Sent** 2017-05-30 04:50:56 UTC**Body****Share** **Date Created** 2017-05-30 04:50:55 UTC**Link** <https://www.facebook.com/anthonyking4ever/posts/1721782441169805>**Text****Url** /IDONTSNITCH/videos/1762978107052449/**Thread** (1548875541819288)

EXHIBIT 24

FILED IN OPEN COURT

DATE 11-30-2018BY F. Coleman

DEPUTY CLERK

Lynchburg DIVISION, W.D. of VA

IN THE
UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

UNITED STATES OF AMERICA	:	Criminal No. 3:18 CR 25
	:	
v.	:	
	:	
COLE EVAN WHITE	:	
	:	

STATEMENT OF OFFENSE

The offenses described below occurred within the Western District of Virginia, as well as other districts. This Statement of Facts briefly summarizes the facts and circumstances surrounding the defendant's criminal conduct. It does not contain all of the information obtained during this investigation and applicable to an accurate Presentence Report and Sentencing Guidelines calculation.

This statement of facts is not protected by proffer agreement or any other agreement, and shall be wholly admissible at trial in the event this plea is later withdrawn notwithstanding any Rules or statutes to the contrary, including but not limited to, Federal Rules of Evidence 408 and 410, and Federal Rule of Criminal Procedure 11.

I. Berkeley Riots on April 15, 2017

On or about April 15, 2017, the defendant, Cole Evan White, attended a purported political rally in Martin Luther King Jr. Civic Center Park in Berkeley, California. At that event, the defendant met and befriended Benjamin Daley ("Daley"). Daley was with a group of individuals who identified themselves as the "Rise Above Movement" or "RAM." Throughout the day, there were several violent clashes between some rally attendees and some individuals protesting the rally. In one of the first such instances, RAM members crossed the barrier separating the attendees and protestors, and assaulted protestors. As the rally broke up, rally attendees and protestors dispersed onto the streets of downtown Berkeley. The defendant, alongside other RAM members, followed a group of protestors who were leaving the area. In at least one instance, the defendant observed protestors who he believed were "too slow to leave" the area. The defendant chased after one of the protestors and attacked him, punching him several times in the head. Immediately afterwards, the defendant stood over top of another individual who was on the ground and punched him in the head approximately four to five times before leaving the scene.

None of these acts of violence were in self-defense.

Defendant's Initials: EW

II. Travel to Charlottesville in August 2017

In or around the spring and summer of 2017, an event referred to as the “Unite the Right” rally was organized and scheduled to occur on August 12, 2017, at Emancipation Park in Charlottesville, Virginia. This rally was widely promoted on social media and internet sites associated with white-supremacist individuals and groups, and was scheduled to feature a lineup of well-known white-supremacist speakers.

After fighting together in Berkeley on April 15, 2017, the defendant and Daley maintained contact, often through phone calls. In one call in the summer of 2017, Daley asked the defendant if he was going to attend the Unite the Right rally in Charlottesville. Daley offered to pay for the defendant’s flight and his stay in Charlottesville, and encouraged him to attend the event. Daley told him: “It’s going to be like Berkeley again . . . It’s going to be the event of the year.”

On or about August 9, 2017, the defendant, using his credit card, purchased a round-trip ticket from Delta Airlines for commercial flights from San Francisco International Airport in California, to Charlottesville Albemarle Airport in Charlottesville, Virginia, departing on August 11, 2017, and returning on August 13, 2017. On August 11, 2017, the defendant boarded his flight and traveled from California to Charlottesville, Virginia, landing at approximately 9:09 p.m. (EST). At the time of his travel, the defendant expected to engage in violent confrontations with protestors or other individuals at the upcoming events in Charlottesville.

III. The Torch-Lit March at the University of Virginia on August 11, 2017

About the time that the defendant landed in Charlottesville on August 11, 2017, the evening prior to the scheduled Unite the Right rally, hundreds of individuals were gathering to engage in a torch-lit march on the grounds of the University of Virginia in Charlottesville, Virginia. Around the time that the defendant landed, Daley sent a text message to the defendant with an address of a field where this group was gathering. The defendant took a cab from the airport and joined Daley and other RAM members, who were lining up in formation, lighting their torches, and waiting for the march to commence.

Throughout the march, the participants engaged in chants promoting or expressing white supremacist and other racist and anti-Semitic views, such as “Blood and soil!” and “Jews will not replace us!” The march culminated near the University of Virginia’s Rotunda, where a smaller group of individuals, including University of Virginia students, had gathered around a statue of Thomas Jefferson to protest the torch-lit march. Members of this group held a banner that read: “VA Students Act Against White Supremacy.” Chanting and bearing torches, the march participants encircled the Thomas Jefferson statue and surrounded the protestors. Violence erupted among the crowd, with some individuals punching, kicking, spraying chemical irritants, swinging torches, and otherwise assaulting others, all resulting in a riot as that term is defined under 18 U.S.C. § 2102.

Defendant’s Initials: EW

During and in furtherance of this riot, the defendant swung and struck multiple individuals with his torch.

None of these acts of violence were in self-defense.

IV. The Unite the Right Rally on August 12, 2017

On the morning of August 12, 2017, multiple groups and individuals espousing white-supremacist and other anti-Semitic and racist views arrived in and around the vicinity of Emancipation Park in Charlottesville, Virginia, to attend the Unite the Right rally. After several instances of violence prior to the scheduled start of the rally, law enforcement declared an "unlawful assembly" and required rally participants to disperse.

One of the first breakouts of violence on the morning of August 12, 2017 occurred on 2nd Street NE, between Jefferson and High Streets, in downtown Charlottesville. The defendant, Daley, and other RAM members were part of a large group of (over forty) individuals seeking entry to Emancipation Park by way of 2nd Street NE, but were told by members of law enforcement they had to enter from a different location. The group, including the defendant, Daley, and other RAM members turned around, lined up, and began to make their way through a group of (over twenty) individuals who had come to the rally to protest against racial and other forms of discrimination.

As they made their way through the group of protestors, the defendant, Daley, other RAM members collectively pushed, punched, kicked, choked, head-butted, and otherwise assaulted several individuals, resulting in a riot. During and in furtherance of this riot, the defendant personally committed multiple acts, including but not limited to, the following: (1) after having already made his way through the group, the defendant turned around and observed a protestor who was blocking the sidewalk by holding onto a street sign. The defendant walked back, grabbed the individual by the shoulders, and punched him until he released the sign; (2) the defendant head-butted a male individual who was in his way; and (3) the defendant head-butted a female protestor who was present on the sidewalk, resulting in a laceration to her face.

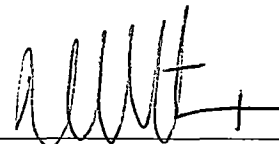
None of these acts of violence were in self-defense.

11.28.2018

Date

11/28/2018

Date



Cole White
Defendant



Michael Hemenway
Counsel for Cole White

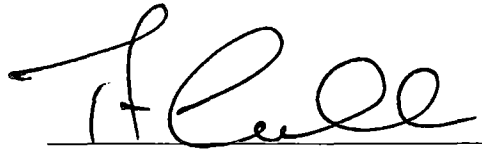
Defendant's Initials: CW

11-30-18

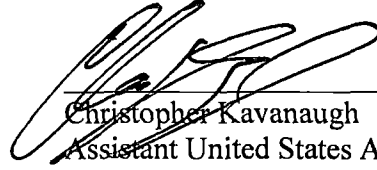
Date

11-30-18

Date



Thomas T. Cullen
United States Attorney



Christopher Kavanaugh
Assistant United States Attorney

Defendant's Initials: CW

EXHIBIT 25

Image

**Photo Id:** 1128564473868902**Id** 1128564473868902**Title** Japan knows**Link** <https://www.facebook.com/photo.php?fbid=1128564473868902&set=a.154675731257786.31587.100001460804631&type=3>**Upload Ip** 2605:e000:a8c8:6500:e985:bb4e:d41d:aa31**Album Name** Timeline Photos**Uploaded** 2016-08-03 13:59:00 UTC**Tags****Comments****User** Aaron Aeson ([REDACTED])**Text** Asians aren't smarter than Europeans, but they are smarter than white liberals.**Time** 2016-08-04 02:04:24 UTC**User** Ben Daley ([REDACTED])**Text** And they sure try a lot harder. Japan's got the honor and discipline down, I wish our people had it at that level**Time** 2016-08-04 02:06:11 UTC

Image

Emily Goldstein

LATEST POST**Yes, Diversity Is About Getting Rid Of White People (And That's A Good Thing)**

Diversity is indeed white genocide. And white genocide is exactly what the world needs more than anything else.

20 Aug 2016



Photo Id: 1136198243105525

Id 1136198243105525

Title There are 2 types of white Europeans who don't hate the Jews. 1 those who don't know history, 2 those who are willfully ignorant. Both are inexcusable

Link <https://www.facebook.com/photo.php?fbid=1136198243105525&set=a.669993086392712.1073741826.100001460804631&type=3>

Upload Ip 2605:e000:a8c8:6500:f8fd:837:f1c9:722c

Album Name Mobile Uploads

Uploaded 2016-08-14 02:37:41 UTC

Tags

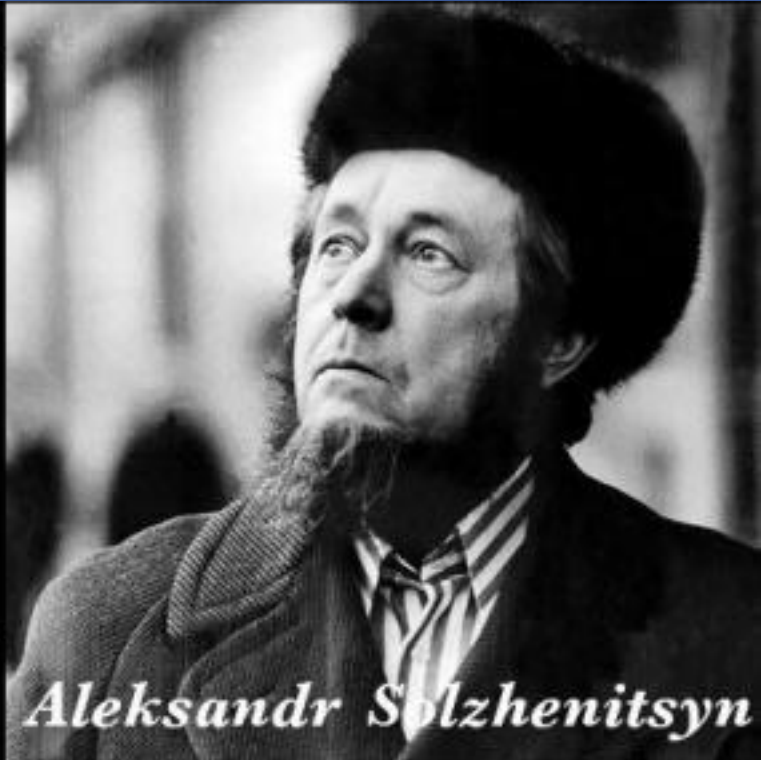
Comments

User Aaron Aeson ([REDACTED])

Text I see press gangs conscripting those fools into punishment battalions. The can at least find some redemption in that function.

Time 2016-08-14 05:07:17 UTC

*" We Can Not State that all Jews
are Bolsheviks. But : Without
Jews there would never have
been Bolshevism. For a Jew
nothing is more insulting
than the truth. The Blood
Maddend Jewish terrorists
had murdered sixty-six million
In Russia from 1918 to 1957 "*



Aleksandr Solzhenitsyn

Photo Id: 1263563727035642

Time 2016-12-24 15:58:25 UTC

Type Likes

Summary Ben Daley reacted to this post from December 2016. Content owned by Aaron Aeson

Object Id S:_I100001460804631:1261169970608351:105

Time 2016-12-24 15:49:55 UTC

Type Likes

Summary Ben Daley liked this post from December 2016. Content owned by [REDACTED]
(1620739532)

Object Id S:_I100001460804631:1261169970608351:102

Time 2016-12-24 15:49:24 UTC

Type Likes

Summary Ben Daley liked this post from December 2016. Content owned by [REDACTED]
(100001222010490)

Object Id S:_I100001460804631:1261169970608351:101

Time 2016-12-24 15:48:33 UTC

Type Comments

Summary Ben Daley commented on a post from December 23, 2016. `I hope he died slow trying
to hold his guts in [REDACTED]`

Object Id S:_I100001460804631:164816563995062:21

Time 2016-12-24 15:47:27 UTC

Type Likes

Summary Ben Daley liked this post from December 2016. Content owned by Aaron Aeson

Object Id S:_I100001460804631:1261169970608351:100

Time 2016-12-24 15:46:51 UTC

Type Likes

Summary Ben Daley liked this post from December 2016. Content owned by [REDACTED]

EXHIBIT 26

Courage Plan

Fear a foe nail it, make the sacrifice,
fight and bounce someone in anger,
practice an attitude of alpha dominance
everywhere you go.

WN 3.0

Cultural Incarnation

History - 1.0 G.L.R. Tom Metzger, Skinhead Movement, WTC,

Anti-social, historic, abrasive, sought to be shocking and always ~~wanted~~ strove to appear on the fringes. ^{self-destructive lifestyle} Optically embarrassing

- 1.5 David Duke, William Pierce, Don Black

~~More~~ More sensible, sought to appear reasoned & sophisticated, didn't fail at everything. Promoted ~~more~~ more practical but still many outlandish goals. ~~Constantly~~ Constantly struggling with effects of

- 1.0 negativity. Used tech, but reach was ~~insulated~~ insulated by proprietary territories.

- 2.0 I.E. Richard Spencer, Mike Enoch, Jared Taylor, Red Ice, Troll Armies.

Overwhelmingly online but in public view, many bridges to from moderate activists. Works harder to ~~create~~ create good public opinion. ~~Less~~ Less effected by 1.0 ugliness.

Being ~~demon~~ Unfair demonization ~~help~~ helps potential recruits people who feel demonized themselves identify with movement. Public association is still socially dangerous but to a diminished degree. Probability of ~~the~~ criminal repercussions have gone from very high to obscure.

~~Less~~ Culturally superior, committed to and actively building cultural superiority. Trad life, high agency. ~~etc.~~

~~etc.~~ Expanding networks in entertainment & news, ~~articles~~ Commitment to high quality public engagements & events.

Pitfalls of previous ~~incarnations~~ & present incarnations.

- Crazy people. 2.0 has considerably fewer psychologically damaged members than ~~para~~ 1.0 & 1.5, which seemed to be composed entirely of people in varying states of ~~the~~ distress and aberration.

2.0 seems to still draw in the odd autist who ~~occasionally~~ associates himself ~~in a~~ technically ideologically but is an orbiter to social circles and often ~~is~~ occasionally performs outrages causing setbacks in public opinion.

- Difficulty ~~in avoiding~~ in avoiding ~~the~~ the dispersion of disparaging narratives to the public from Talmudic media.

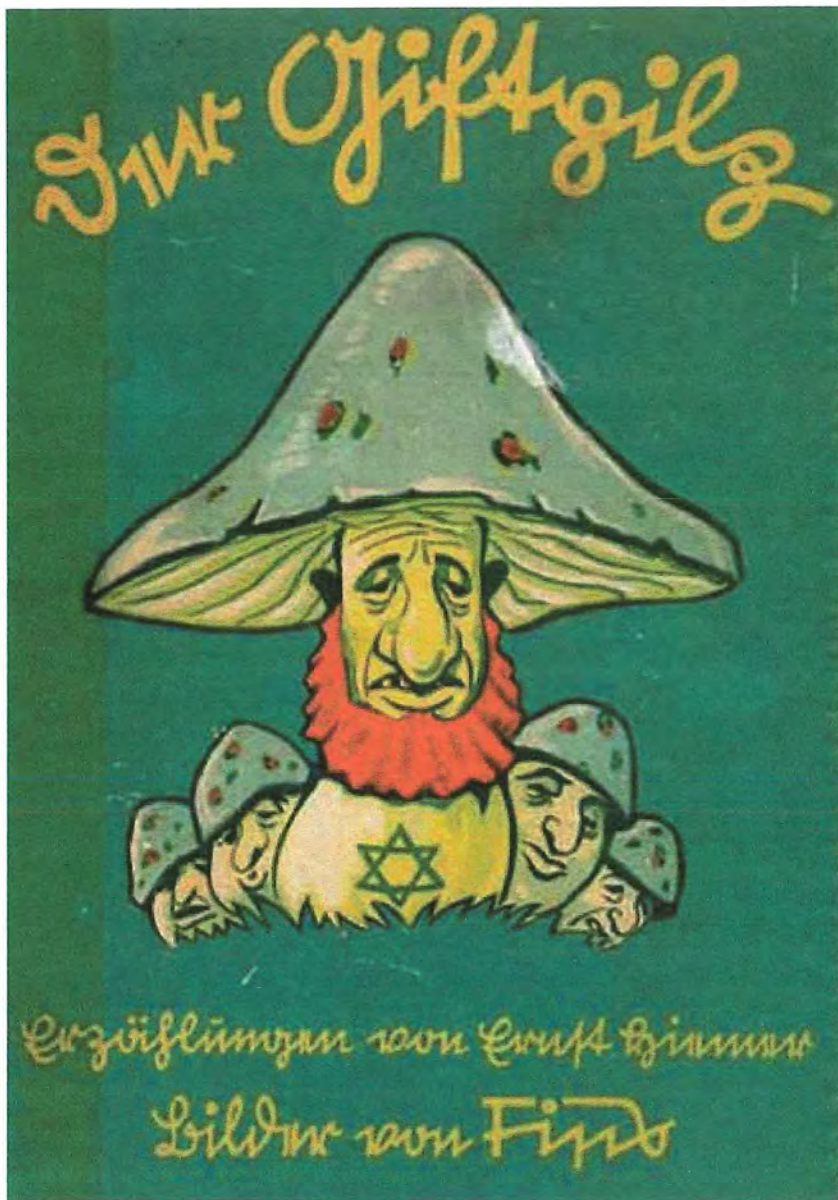
- S.O.O Recruit members, develop patrol technique, gain ddm
- Inventory: General purpose protective gear
- Enculturation: Ren faire, Bunkapian, S.C.A.
- Physical Training: Find gym, buy boxing gloves

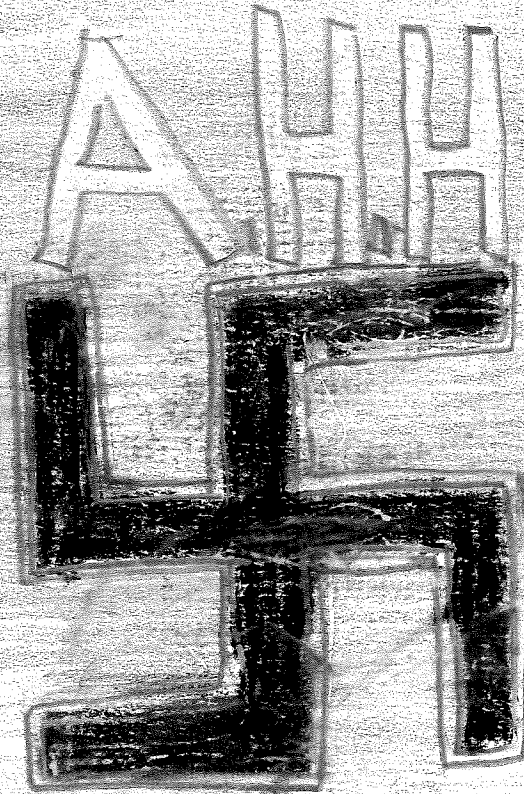
Raps
Training
858

S.O.O - Potential recruits: Tim, Scott M., Brad, Ryan, [redacted], Josh, Dmitri, Kosh. Personal circle completely insufficient. Ad campaign: Local, online, search posters for talent. Post contact ad in comments section. Research Twitter and other Soc media. Set up PLE "Trojan" for local contacts. S.F., create message, account, speak to ~~cont~~ posters, attract local viewer by posting area cities on front of home page. Remember to avoid making it look like were associating with S.F.



The chosen life. Gym, S.O.O. patrols and recruiting
Protective fabric.





Gay 